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Briefe and Perfect
RELATION,
of the
ANSWERS and REPLIES
OF
THOMAS
Earle of *STRAFFORD*,
To the Articles exhibited against
him by the House of COMMONS,
on the thirteenth of *April*,
Ann. Dom. 1641.



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To the Reader.

READER,

HAVING imployed the Author of this Treatise to make these Collections for my private information; And finding them to bee beneficiall for the Publique, I durst not wrong Posterity and my owne Conscience, to conceale them for my owne use, without imparting them to the good of others: For, the solemn-Triall therein described is so Paramount in the Equipage of all Circumstances; that (as former Ages have been unable) so, future are unlikely to produce a paralell thereof. As for the Person himselfe; who, as a cunning Master of Defence, waved the thrusts of such skilfull and powerfull Adversaries: Take his Character in this Booke from his owne Mouth; seeing, otherwise, whatsoever may be spoken of him, is beneath what was spoken by him: So, that in stead of other Monopolies laid to his Charge, hee may seeme most guiltie of ingrossing so much Worth and Ability into his owne Bosom.

To the Reader.

Behold here a Garden of the most and best Varieties; wherein points of Lawe are interwoven with Acts of State, and the affaires of Ireland, as in the same Escutcheon, quartered with those of England: Herein, nothing false is Reported, nothing triviall is Observed, nothing memorable is Omitted; for, the Net of his Diligence was so cunningly and carefully spread over all the Transaction, that if any passage escaped his notice, it may bee concluded so small as inconsiderable to bee observed. The Paines in Collecting, Care in Preserving, Cost in Publishing this Treatise are abundantly satisfied, if my sincere-Intentions for the propagation of the Truth be welcomed with thy cordiall and candid acceptance thereof.

Thine

S. R.

THE



THE
 Proceedings against THOMAS,
 Earle of *Strafford*, Lord Lieutenant
 of Ireland, in the Parliament at West-
 minster, An. Dom. 1641.

S Y R,

‘Y O U have here the Diurnall of the whole Processe a-
 ‘gainst the Lord Lieutenant of Ireland, it was taken by the
 ‘hand of a ready writer, a faithfull eare, and an understanding
 ‘head. He was present at all the action, and I make no doubt of
 ‘the fidelity of his Relation, Which beginneth thus :

THE House for the appearance of the Lord Lieu-
 tenant, was the great Hall in Westminster, where
 there was a Throne erected for the King, on each side
 whereof a Cabinet, inclosed about with boards, and
 before with a Tarras : Before that were the seats for the Lords of
 the upper House, and sacks of wooll for the Judges, before them
 ten stages of seates, extending farther then the midst of the Hall,
 for the Gentlemen of the House of Commons : At the end of
 all was a Deske, closed about and set apart for the Lord Lieute-
 nant and his Councell.

On Monday morning about seven of the clock, he came from
 the Tower, accompanied with six Barges, wherein were one hun-
 dred souldiers of the Tower, all with Partizans for his guard,
 and fifty payre of Oares : At his landing at Westminster, there
 he was attended with two hundred of the trayned-Band, and
 went in, guarded by them into the Hall : The entries at White-

Hall, King-streete and Westminster, were guarded by the Constables and watch-men, from foure of the clock in the morning, to keepe away all base and idle persons.

The King, Queene and Prince, came to the House about nine of the clock, but kept themselves private within their Closets, only the Prince came out once or twice to the cloth of State; so that the King saw and heard all that passed, but was seen of none: Some give the reason of this from the received practise of England, in such Cases: Others say, that the Lords did intreate the King, eyther to be absent, or to be there privately, lest pretentions might be made hereafter, that his being there was eyther to threaten, or some otherwaies to interrupt the course of Justice: A third sort, That the King was not willing to be accessary to the Processe, till it came to his Part, but rather chose to bee present, that he might note and understand what Violence, Rigour, or Injustice happened: When the Lieutenant entred the Hall, the Porter of the Hall (whose office it is) asked Master *Maxwell* whether the Axe should bee carried before him or noe, who did answere that the King had expressely forbidden it, nor was it the custome of England to use that Ceremony, but only when the Party accused was to bee put upon his Jury, Those of the upper House did sit with their heads covered, those of the lower House uncovered: The Bishops upon the Saterdag before, did voluntarily decline the giving of their Suffrages in matters Criminall, and of that nature, according to the provision of the Cannon-Law, and practise of the Kingdome to this day, and therefore would not be present: yet withall they gave in a Protestation that their absence should not prejudice them of that or any other priviledge competent to them, as the Lords Spirituall in Parliament, which was accepted.

The Earle of Arundell, as Lord high-Steward of England, sat apart by himselfe, and at the Lieutenants entrie commanded the House to proceede: Master *Pym* being speaker of the Committee for his accusation, gave in the same Articles which were presented at his last being before the upper House, which being read, his Replies were subjoyned and read also, the very same which were presented before in the upper House: Some give the reason of this, because the lower House had not heard those Accusations in publique before: others, that the formality of the Processe

cesse required no lesse, however that day was spent in that exercise.

The Queene went from the House about eleven of the clock, The King and Prince stayed till the meeting was dissolved, which was after two : The Lieutenant was sent to the Tower by his Guard, and appointed to returne upon Tuesday at nine of the clock in the morning. The crowd of people was neither great nor troublesome, all of them saluted him, and hee them, with great humility and courtesie, both at his entrance and at his returne, therefore let fame pretend what it please about the malice and discontent of the multitude, *That if he passe the stroake of Justice they will teare him in peeces*, yet I see there is more in Rumor then in Sight and appearance, and in this Report, as in all others of this nature, more is thrust upon the vulgar (who seeme as well fearefull of punishment, as exempt from it, for all their great number) then they doe justly deserve.

On Tuesday in the morning hee came accompanied, as before, *Tuesday* to Westminster; and having stayed in the Exchequer Chamber till nine of the clock, the King, Queene and Prince came, as before upon the first day.

Then Master *Pym*, being called for, aggravated the Charge *Pym's first charge* which was given the day before, by a very ample Speech : It is impossible to call to minde all the Hyperboles, the Flashes and superlative Expressions that hee used; the maine points were : That it was a Treason farre beyond the reach of words, that hee the Lieutenant, a native Subject and a Peere of England, the prime Governour of Ireland, the Commander of his Majesties Forces, and a Protestant in Religion should have in such an impious and grosse manner, recompenced his Majesties favours, abused his goodnesse, and drawne all his Dominions into hazard and perill of their Religion, Lives, Goods and Priviledges : That one of these faults alone had beene enough and too much for the fullfilling of the exorbitancy and wickednesse of any one man, And that no punishment could be thought upon sufficient to expiat crimes of such a transcendent nature.

The Lieutenant with no lesse moderation and wisdom, then the other with heate and passion, spake to his owne defence, and that with such a measure of Eloquence and Lively-hood, that his very Enemies were affected with it and doe mervailously report of it.

Hee modestly recounted his services done to the King and Crowne of England, his endavours for advancement as well of the Honour as Commodity of both Kingdomes in generall, but in particular that of Ireland; How he had engreatned and advanced the Kings Revenues there, Restored the Churches maintenance, Suppressed the Out-lawes, established obedience to Royall authority, and impeded the Tyranny and Usurpation of greater ones over the Commons, And for the effecting of all these Actions, hee mentioned himselfe the most weake and meanest Instrument, with a wonderfull Prudence, in a middle way, betwixt the affectation of basenesse, or dejectednesse, and Allejance.

Master *Pym*, after the close of his Speech, told him that there were three new Articles adjoynd (by an after search) to his Charge, and desired that he might presently Reply to the same.

Whereunto the Lieutenant answered. It was very strange, that after the close of the Proceffe, and when matters were come to bee scan'd, and examined by prooffe, that any new Charge should bee given in; Yet lest he should seeme to decline the maintenance of his owne Innocency, and the just defence of his Honour, hee was most willing to heare them and have them alleaged, provided that a convenient time might be assigned him to make his Replies against them, as he had done to the other given in before.

But Master *Pym* excepted against this, and told him that the House did conceive it to be dangerous to grant any farther Prorogation.

Upon this the Lords of the upper House (who did not think it fit as yet to voyce any particular in the audience of the House of Commons) did retire themselves, and after a pretty time of stay, they returned and declared, That they had found the Lieutenants suit to be equitable in desiring of further time for answering; yet seeing the Articles themselves, neither for number nor weight, seemed to bee of that importance, but that he might furnish out a present Answer, they thought it fitting to grant no delay.

The Lieutenant then (intreating them to passe by and pardon the weakenesses of his extemporary Answeres) desired to heare the Articles read which were these.

First,

First, That hee had within these two yeeres withdrawn forty thousand pound sterling, from the Exchequer in Ireland, & imployed it to his owne private uses.

Secondy, That in the beginning of his Government, the Garrisons in Ireland had been maintained by the English Treasury.

Thirdly, That hee had advanced Popish and Infamous persons, as the Bishop of Waterford and others, to the prime Róomes in the Church of Ireland.

To the first hee answered, That thirty thousand pounds were set apart for the Kings late service, at his owne most speciall and most peremptory Commands, for which he produced the Kings owne Letter, already approved as his Acquittance at the Exchequer boord in Ireland.

To the second, That at the beginning of that Charge against him, as ever before his time, the Garrisons had beene burthensome to the Kingdome of England, but that he had so improved it, and settled the Kings Revenue there, that the like is not to be heard in all the times that are by past; For which if the best endeavors of a Subject may justly expect any reward from his King and Country, hee craved leave to thinke that hee rather deserved many thanks, then the least punishment.

To the third, Hee attested all the Clergy in Ireland, if ever he had taken upon him any particular meddling in advancing their Church-men, or whether he had done any thing concerning such affaires, but upon the speciall advise and desire of the best and wisest of their number: For his part, when hee befriended the Bishop of Whaterford, hee conceived of him, as a man of Integrity and Learning, fit for such an employment; nor was there then the least suspicion of those mou-

strous impieties, wherewith he was afterwards Charged. That he had now justly suffered for the same, and that hee hoped they would not lay a necessity upon him to Prophecy and Divine of the future Conditions and Deportments of men : For others of the Church, suspected of Popery, hee knew none such, but should answere to the Particulars so far as they concerned him, when they should happen to be alleaged.

After this the House dissolved for that night, the kings Majesty and the Prince having stayed all the time, and the Lord Lieutenant was appointed to come thither againe on Wednesday morning, at which time they are to proceede to the first Article, to give an Oath to the witnesses, and to examine all the Prooves whereon the Proesse was builded.

‘ It will be a very hard matter for him to expect every mans testimony, and to give his answeres, cyther for full satisfaction or diminution of all objections, which way of proceeding will spend at least a fortnight, if not a greater space of time, yet it is thought the lower House are impatient of delays : The expectations are exceeding various and different, about the event of this great action ; some thinke it will bee impossible to escape the many and great accusations laid to his Charge ; Others, and that the greater number too, are of opinion that he will be in no hazard of his Life, and that it will not be possible to bring him into the compasse of Treason (*quod tam misere cupio ut non credam*) his adverse party is so great, and so farre interested both in point of safety and honour against him, that *Flectere si nequeunt superos, &c.* nothing will bee left unassayed that may accelerate his Ruine.

‘ He hath all this time carried himselfe couragiously, to the admiration (and withall so moderately, that it is to the great satisfaction) of his very enemies, so that he seemes neither dejected with feare, nor to affect boldnesse with confidence, but to carry himselfe with that constancy and resolution which his Innocency and brave parts doe promise.

‘ The Irish Commissioners here, have hitherto abstained from giving in any Remonstrance against the Lieutenant, and doe still pleade to have an immediate dependance from the King, and not from the Parliament of England ; There was a report that the Parliament of Ireland had sent a Protestation against the Act
made

‘made the last yeere, for the Kings supply in his Expedition against the Scots, as a thing which was violently in part, and in part surreptitiously obtained from them : But I have learned this to be an untruth. I had almost forgotten one passage of Master Pym, who in the aggravation of the Lieutenants faults, had this expression, That hee was like the Whore in the Proverbs. *Hee wiped his mouth, and with a brazen face said hee had done no evill.*

To this the noble Lord Replyed, That he wished his Innocence might not be taken for Impudence, That hee hoped shortly to cleere himselfe of all those foule aspersions which his malicious Enemies had cast upon him, And hee was very confident that he should give the honorable Houses full satisfaction concerning his life hitherto, and thought of nothing more hereafter then to retyre himselfe from all publike employments.

Master Pym gave at this a great shout, and desired the House to take notice what an injury he had done to the hnnourable (House of Commons, in calling them his malicious Enemies.

Whereupon the Lieutenant falling down upon his knees, humbly besought them that they would not mistake him, and withall gave a large Panægyrique of their most just and moderate proceedings, protesting that if hee himselfe had been one of the house of Commons (as hee had the honour once to be) he would not have advised them to have done otherwise against his deere friend : But withall told them that hee might justly say he had his owne un-friends, which hee hoped in time to make known ; nor did hee all this time speake one bitter word against Master Pym, though justly incensed, which hath infinitely advanced his Reputation.

‘I have beene a daily hearer of these Proceedings against this great Personage, now upon the Stage, therefore doe presume I can give a reasonable account thereof : The book of his Charge is extant in print, so it shall be needefull for me only to name the Articles as they were canvased : and those designed by the House of Commons to be his Accusers, which were these that follow.

Pym, Glin, Maynard, Whitlock, Lo. Digby, St. Johns, Palmers, Sr. Wa. Earles, Stroud, Seilden, Hampden, &c. The names
of his Accusers.
One

' One of these began the speech, the rest after their Colleague hath done, follow in their turne, so that hee hath all of them to wrestle against, and yet sufficiently able for them all ; though by his agitation his Spirits are much exhausted.

Master *Glyn*, after a large flourish, on Wednesday, told the Lords, That the Lord Strafford was impeached not with simple, but accumulative Treason. For, though in each particular Article, such a monstrous Crime could not be deprehended, yet when all was conceived in the Masse, and under one view, hee should be undoubtedly found the most wicked and exorbitant Traytor that ever was arraigned at that Barre, Hee added that his Charge was for intending to subvert and change the fundamentall Lawes, Liberties, and Priviledges of both the Kingdomes, and to introduce an Arbitrary and Tyrannicall forme of Government. This, hee said, could not appeare but by the fruits, which were eyther in Expression or Action, The Expressions were foure.

First, That before severall witnesses hee had said at Yorke, That the Kings little-finger should be heavier, to them, then the Loynes of the Law

To this the Lieutenant replied, That having spoken sufficiently before to his justification in generall, hee would moreover add these few words, by their Favours : That it did strike him to the heart to be attached of such a wicked Crime, by such honorable Persons, yea that it wounded him deeper, in regard that such Persons who were the Companions of his youth, and with whom he had spent the best of his dayes, should now rise up in judgement against him, yet hee thanked God for it, it was not guilt but griefe, that so much troubled him, He added That it was a wonder how he had gotten strength sufficient in such infirmity of body, and such anguish of minde, to collect his thoughts and say any thing at all for himselfe : But the Almighty God, who knowes him to be innocent, had furnished him with some abilities to give testimony to the truth and to a good Conscience : He therefore intreated, that if eyther in judgement or in Memory, he should at any time fayle, it might be imputed to his great weakenesse, And although the Gentlemen his Accusers should seeme more ready in their Accusations

tions; then himselfe in his defence, yet that might not prejudice his Cause, who in very unequall termes, had to doe with learned and eloquent Lawyers, bred up a long time and inured to such judiciary pleadings, and whose Rhetorik, he doubted not, might present many thing to their view in a multiplying glasse; Hee told them farther, that for these many yeares hee had beene weary of publique service, and that now it was his resolution, after he had vindicated his honour, to retyre himselfe, and enjoy his much longed for privacy, And yet he could not but tell them so much, That it had beene his hearty wish and desire, rather voluntarily to have resigned his places of Honour, like a ripe fruit fallen from the Tree, then to be violently pulled from thence, as a fruitlesse and unprofitable withered Branch.

To the Charge of Treason, he said, that under favour, hee conceived that although all the Articles contained in his impeachment were verified against him, yet they would not all amount to Treason, neither simple nor accumulative: For (said he) I doe not understand by what interpretation of Law, the diversion of Justice can be called a subversion of the same, or the exceeding of a Commission, the usurpation of a new Power. To the particular he replied That his words were cleerely inverted, for that his expression was, *That the little finger of the Law (if not supported by the Regall Power, in granting Pardons for pœnalities of the same) was heavier then the Kings Loynes.* That this was his expression hee verified.

First by the occasion, for he spake the words a long time since, to some men who had layn imprisoned at Yorke, and were then by the Kings favour set at Liberty, whom hee incited to thankfullnesse (by this expression) towards his Majesty.

Secondly, by witnesses produced by him: In the examination of their witnesses hee convinced one of them of untruth, by interrogating him where hee was when the speech was heard, and how farre distant from him, when the man had replied, That hee was twelve yards from him, Hee answered that it was impossible for him to heare a man three yards off; by reason of a deafnesse that had held him 14 yeares, which being found true, the witnesse was rejected.

Another witnesse (Sir *David Foules*) was brought against him , against whom he excepted as his known and professed enemy ; 'twas told him that he himselfe did not use to admit of exceptions against witnesses , and therefore was to expect the same measure.

Hee Replyed that Master *Pym* might one day perhaps bee attached for perswading the House of Commons to commit the same Crime that was laid upon him as a Charge of Treason : But for all this the witnesse was received, because in matter of Treason a mans enemy may witnesse against him *pro Domino nostro Rege*, ' Though, I suppose the Kings advice was never asked for the present. This was all that was done for that time.

Thursday. On Thurf'ay hee was charged with the second Expression ;
Expres. 2. That hee said *Ireland was a Conquered Kingdome*, and that the King might prescribe t' em what Lawe he pleased.

' This they aggravated as a prime note of his Tyrannicall will and affection, that would permit no Law to bound the Subject, but what himselfe and such as he might draw up by sinistrous informations, from a gracious and well meaning Prince, and if this were admitted, the whole Power and Liberty of the Republique would be utterly lost.

*Straffords
Reply.*

To this hee Replyed , That neyther was the Expression in those words nor in that sence spoken or meant by him ; The first part of it (said hee) cannot be denied ; To the second that hee had said only , That the King was the Law-giver, which he hoped none could deny without incurring the Crime of Treason ; And that the Kings Sentence was a Law in matter not determined by Acts of Parliament, which all but disloyall Subjects would grant ; And that it had beene ever his endeavour to have the Liberty of the Subject, and the Royall Prerogative follow both in one Channell : If either of them crossed other, we could expect nothing but a subversion of the Common-wealth, eyther by Tyranny or Rebellion ; That the Prerogative was like the first ; the Liberty of the Subject like the second Table, either both or neither can be preserved, That in his duty hee stood obliedged first to the King, as Gods Anointed, then in the second place to his Country, if it did not crosse the Regall Power : And therefore hoped that what he had

had spoken was so farre from being Treason, that hee thought a thousand such Expressions would not make up one Felony.

On Friday the two other Expressions were followed: *That he Friday. said, He would not suffer his Ordinances to be disputed by Lawyers, before inferiour judicatories, and that hee would make an Act of* ^{Express.} *State equivalent to an Act of Parliament,* 3. & 4.

To the first he said, that he had often said (more then once) that he would not suffer his Ordinance to be contemned, because, in him, his Masters Honour was wounded.

To the second, Hee thought a proportionable obedience was due to Acts of State, as well as to Acts of Parliament, otherwise they were made in vaine if that both did not binde in one kinde.

The Lord *Corke* though his mortall Enemy) was now examined and admitted, as a witnesse; whom in his Deposition hee ^{Corke two falls.} convinced of two shamefull oversights: For, *Corke* had declared upon his Oath, That the Lieutenant had caused to be interlined an Ordinance against himselfe, and had caused some words to be scraped out, which words were notwithstanding still found to be in the Sentence by an authentique Copy under the hand of Sir *Paul Davison*. Clarke of the Councell-board of Ireland.

Then *Corke* alleaged, That hee had advanced a Groome of his to be a Preacher, who by a testimony from the Universitie of Dublin he verified to have beene a Master of Arts. ten or twelve yeeres before his advancement; Adding withall, that my Lord of *Corke* was an excellent Scholler, who was able to breede such Groomes. ^{His Groomes.}

Upon Saturday, having done with his Expressions, the y cancelled the first Article about his actions.

Against the Lives of the Kings Subjects, both in the Case of the Charge 1. Lord Mount-Norris, and also of another of the Kings Subjects, both of whome he had Sentenced to Death by Marshall Law, contrary to all Lawe, and to the manifest subversion of the Priviledges of Subjects, Magna Charta, and the Petition of Right.

To the Lord Mount-Norris his Case, he Replyed;

1. That though that Sentence had beene unjustly given and rigorously prosecuted against him, yet the greatest Crime that

Straffords Reply.

hee could bee charged withall would but amount to Man-slaughter, or Felony at the most.

2. That he hope (though this were true) to obtaine a Pardon from his gracious Master the Kings Majesty, as well as *Conway*, and Sir *Jacob Ashley* had lately done, for exercising Martiall Law in the Northern Army.

Then hee Replyed to all the parts of the Charge which were foure

1. *That he had exercised Martiall Law in time of Peace,*
To this he Answered :

1. That all Armies have beene, and must bee, governed ever by Martiall Law.

2. That there is a standing Army in Ireland, and therefore the Case is all one in time of Peace or Warre; And that the Army might be undone if they should not use Martiall Law, but were to expect Remedy for the settling of a Mutiny, or assurance of obedience from the Common-Law

3. That it had ever beene the practise of the Deputies, particularly of *Wilmot*, *Faulkland*, *Chichester*, yea *Corke* himselfe, and therefore was no new thing, brought in by him; This, hee proved, both by the production of the Military Ordinances and by divers witnesses who knew Sentences given in that kind by them.

4. That hee had a particular warrant in his Commission for this Power.

5. That in the Lord *Mount-Norris* his Case, hee was commanded to exercise the same, by the Kings particular Letter, both which he Caused to be read.

charge 2. The second Charge was, *That hee was both Party and Judge in the Lord Mount-Norris Cause.*

Straffords
Reply.

To this hee Replyed, That hee had sitten in judgment because he was one *sine quo non*, the Judgement could not proceede without him, but that hee was not Judg but Parry appeared.

1. Because hee sawe discovered all the time.

2. Because he refused to give his own Oppinion.

3. Because he did not give his Suffrage one way or other.

4. Because hee removed his Brother Sir *George* from having

ing hand in the Proceſſe, in regard of intereſt of blood.

The third Charge was, *That hee proceeded ſummarily in the matter of the Lord Mount-Norris.* Charge 3.

He replied :

Fiſt, that hee was not Judge in it, and that the Councell of Warre was to be answerable in the juſtification of their owne proceedings. Straffords
Reply.

Secondly That after a long reaſoning hee had heard them ſay, that no delay could ſafely be granted in Martiall Courts.

The fourth Charge was, *That he had not heard the exceptions made by Mount-Norris againſt his witneſſes.* Charge 4.

To this he answered, as before, That he was not Judge in the Caſe, and that he remembers no Exceptions made againſt any witneſſes, To which hee added, that as hee had beene regulated in his Proceedings, ſo hee had beene moderate in the Execution of that Sentence ; For, though the Lord ~~Mount-Norris~~ *Mount-Norris* juſtly deſerved to die, yet he had obtained him the Kings Pardon for the ſaving of his life, and proteſted that hee intended nothing by that Sentence, but in ſome meaſure to repayre his owne Honour, and to give *Mount-Norris* faire reproofe, who was knowne to be of an exorbitant and licentious tongue and Spirit : Adding, That if the Houſe of Commons would goe on the ſame way with him, and aſſure him that the iſſue of his Charge, ſhould be nothing elſe but to admoniſh him for the time to come, hee would thanke them heartily for it, and ſtudy amendment in all his pretended overſights. And whereas *Mount-Norris* complaind that hee had jeeringly told him when the Sentence was paſſed and pronounced againſt him : That ere hee loſt his head, himſelfe would loſe his hand : Hee answered, that hee had beene thought to be very insolent and haughty, yet hee was never ſo impertinent to uſe this expreſſion ; If any ſuch were, it was for undervaluing himſelfe in ſaying, That ere a hayre of *Mount-Norris* ſhould periſh, he would loſe his hand : And truly (ſaid he) if *Mount-Norris* would ſay ſo to mee now, even in the worſt ſence that can be conceived, That ere I died hee would loſe his hand, I would take it very kindly from him. Straffords
Reply.

For the other man he avouched that hee himſelfe had voyced to hang him, both becauſe hee was an arrant theefe, and

also had fled from his Colours, which by the very Common-Lawe (and to this effect he cited a Statute 20 Hen. 6 & 7. Hen. 7.) That to fly from their Colours is Felony. Hee concluded That seeing hee was not accessory to the Sentence against *Mount-Norris*, had not sate there as Judge, had a power to keepe Martiall-Courts by his Commission, had not exercised the same till a new Command came from his Majesty, had done no more then ever was practised in Ireland, before his time, and had at last obtained *Mount-Norris* his Pardon, Hee hoped there was nothing accusable in him but his too remisse and too moderate proceedings.

Glyn's Ejaculat. o Master *Glyn* bitterly replied, That he knew the time when the Earle of Strafford was no lesse active and stirring to enlarge the liberty of the Subject, and advance the Petition of Right, then now hee is for extending his owne Arbitrary and Tyrannicall Government.

Strafford's Reply. To this hee Replied without the least semblance of passion, That if at any time he had done the least service to the House of Commons, hee thought his whole life well spent, nor could they ever so graciously reward him as to give Commission to that Gentleman, to expresse so much before that honourable Assembly: But withall if ever any such thing was done by him, hee intreated it might now be remembred, and might now serve to over ballance some sleight and meane oversights committed by him, which he hoped should never make him guilty of Treason, unlesse it were Treason for a man to have no more wit and prudence then God and Nature had bestowed upon him, And so much for Saterday.

Monday Upon Monday hee was charged with the fift Article: That hee had used a Tyrannicall Government, not only over the Lives as appeares by the last) but also over the Lands and Goods of the Kings Subjects, as appeared by this Article; wherein he was Charged to have dispossessed the Lord Mount-Norris of a tenure of Lands by a summary Proceſſe before himselfe, contrary to all Lawe, and therefore had fayled.

1. Against the Act 7. Hen. 6. Which provides all matters to be determined by the Ordinary Judges.

2. Against the cautions sent to Ireland by King James expressly forbidding such power hereaftes to be exercised.

3. Against

3. *Against the Kings late Proclamation.*

4. *Against the practise of all Deputies before that time.*

Withall they added, *That it was a Tyranny that could not bee expresse, to exercise this power over the persons of the Peeres of the Land, and their Goods.*

To this hee Replyed, That for his part, in matter of Justice (under favour hee spake it) hee thought there was no destination to be made betwixt a Peere of the Land, and one of the Commons, except they did thinke that eyther feare or faction should doe something, which had no place in him. *Streffes Reply.*

To the Particulars.

1. That the Act of *Hen. 6.* answered it selfe sufficiently, both because it excepted the Court of Requests (and that his proceedings were nothing else in Ireland, and also makes an expresse Reservation of the Kings Prerogative, which hee said was his strength, because he derived his Commission from the King, and that the Act was the most expresse warrant in the world for him.

2. That hee had not fayled against the cautions given by King *James.*

1. Because they were not Charged upon him.

2. Because they were never observed, nor could be by the Deputies to whom they were given, which he proved both by witnesses and writings.

3. Because the Caution made rather for him then against him, in that it contained the word hereafter, which manifestly implied that that power had beene sometimes before exercised in Ireland. And not only by himselfe, and therefore thanked them for that testimonie and hint.

That though the Cautions had beene given to him, yet he had received an expresse Command from the King his Master, to put that power in use, causing the Kings Letter, for that purpose, to be read; and professing withall, that hee was tender to exercise that power, till the King (induced by the humble Remonstrance of the meaner sort of people) had most peremptorily, and upon most just reasons commanded him.

3. That hee could not obey the Kings Proclamation five yeeres

yeeres before it came out, and that hee wished from his heart, that they would but respect the Kings Commands and Commissions, with that tenderesse of affection and obedience as he did his Proclamations.

4. Hee proved it to be the constant practise of all Deputies that went before him.

Charge

It was objected that other Deputies had indeede upon suits of Equity determined, themselves, and matters of Debt ; but never of Land.

*Straffords
Reply.*

Hee Replyed , First that the same Authority reacheth as well to the one as to the other : Secondly that neither hee nor they had ever given Sentence, or determined any thing concerning matters of Inheritance, but only concerning violent intrusion, which fell directly within a suit of Equity. To which hee added, First the Equity of that Court, that it proceeds upon the same grounds and evidences of that of the Common-Pleas, and that hee had the assistance of two of the learned Judges, in deciding the Controversie.

Secondly, the profit of that Court, which dispatcheth the poore in a day or two, whereas the Common-Law would keepe them so many yeeres, which they are not able to susteine.

Thirdly, the necessity of that Court in that Kingdome, which hath beene ever governed by that way, and therefore impossible to debarre the natives from it, without great inconvenience, for it would utterly undoe them, and none is prejudiced by it but the Lawyers, And therefore seeing that he had done nothing but what was customary, necessary and equitable ; Commanded to it, and the Sentence just ; hee hoped rather for thanks from the State, then a Charge for his ill Deportment ; withall he shewed with what Extortion and Violence the Lord *Mount-Norris* had taken seisure of that peece of Land, and made the playing of his game to be very foule ; and at last hee added, That he had done no more in Ireland, then the Court of Request in England usually doth, And that the Chancery Court in Ireland doth the same daily, and the last Chancellor was never Charg'd (said hee) for such Proceedings, though this his Power and Authority was lesse then mine ; But the difference of the Person and his Authority (it seemeth)

seemeth) differeth the matter. And this was the businesse on Monday.

On Tuesday they passed by the 7 Article, and the two first parts of the 8, about the Lady Hibbors Land; *That he had violently thrust her from her possession, by this summary way of justice, & afterwards purchased the land to his owne use, by borrowing the name of Sir Robert Meridith.* *Tuesday
Cha gethe
latter part
of the eight
Article
Lady Hi-
bors case.*

In this Probation, the testimony of the Gentlewomans owne sonne was used, of the Lord of *Corke*, and the Lord *Mount-Norris*, all his back-friends, or professed Enemies; and yet they proved very little but what they tooke up upon heare-sayes, their prime Allegation was.

First, *That though the major part of the Councell-Boord had voted for the Lady, yet the Lord Lievetenant had given Decrees against her.*

Secondly, *That all was done to his owne behoofe.*

To the first, Hee produced the Sentence, under the hand of the Clarke of the Councell-Boord, subscribed by the Major part.

*Stafford's
Reply.*

To the second, Hee attested that hee had no under-dealing with *Meridith*, for the Lady had got her owne Lands back from the said *Sir Robert Meridith*: Hee also declared at length, with what fraud and deceit the Lady had come to her Lands, and upon what reasons they were restored.

After this Article, they fell upon the ninth; about the giving of Commission to the Bishop of Downe, and Connar, for apprehending all such Persons, and presenting them before the Councell-Boord as contemned the Ecclesiasticall Ordinances. *Charge
Article 9.*

'This was aggravated as a point mainly against the Liberty of the Subject.

To this Hee Replyed,

First, He produced the Primate of Irelands Testimony under his hand (hee being himselfe sick) that the same course had beene used in Ireland before, and that Bishoppe *Mountgomery*, his Predecessor in the Bishoprick of *Merhe*, had had the same. *Stafford's
Reply.*

Secondly, Hee shewed the Equity that such assistance should be given to Church-men, who otherwise because of Papists and Schismatics, either to God or the King, would

have no respect or Obedience given them in that Kingdome.

Thirdly, He proved, by two witnesses, that such Warrants were in use before his time.

Fourthly, Hee said hee had never granted any but that one and had presently within some few Moneths called the same in againe; what (said hee) was the Bishop of Downes carriage in it, hee had no reason to answer for, But hee presumed the Bishop could give a satisfactory answer for himselfe, when hee should be called in question; And so hee concluded that a matter so just, so necessary, so customary and practicall before, Hee hoped should not bee Charged upon him as an Introduction of a new and Tyrannicall forme of Government, And therefore submitted himselfe to the Mercy of God, and the Equity of his Peeres in his Tryall. And this was the

worke on Tuesday.

'The ability of this brave Gentleman ravisheth his hearers with admiration, though he be infinitely spent both in Body and Mind, by the continued and almost un-interrupted Agitation.

wednesday
charge
A. 2. 10.

After the ninth Article was passed against the Commission issued in favor of the Bishop of Downe and Conner; Upon Wednesday Master Glyn proceeded to the tenth Article, the Charge was, *That the Earle of Strafford, having established an Arbitrary and Tyrannicall Government, over the Lives, Lands and Liberties of the Kings Subjects, his next desire was to make intrusion upon the Crowne it selfe, that by applying to his own use the Publique Revenues, hee might bee the more enabled to accomplish his disloyall and trayterous intentions; To which end, having by a new booke of Rates inhaunced the customes, hee had gotten by advantage of his Lease, above twenty six thousand pound yeerly. This (they added) was a Crime of higher nature then those contained in the Preceding Articles, Because in those there was some colour or pretext of Justice, here none; those in Particulars, this in Generall; those against the Subject only, this against the King himselfe.*

For the Proove of the Charge, they produced the Lease of the Duke of Buckingham.

Which was read and compared with that Lease to the Dntchesse of Buckingham (which the Lieutenant hath now by Assignement) and some differences shewn arising to the sum of two thou-

thousand pounds in the Dukes Lease, only the moiety of concealed and forfeited Goods were due to him, but the whole Goods to the Duchesse in her Lease; Againe the Kings ships of prizes, did not pay customes in the Dukes Lease, in the Duchesses they did; Againe, the Impost of the Wines (then belonging to the Earle of Carlile) was not in the Dukes Lease, in the Duchesses it was; Lastly, whereas the Earle of Strafford paid but foureteene thousand pounds *per annum* for the Custome, it was worth to him, as was apparent by the bookes of the Exchequer, forty thousand pound. Witnesses were examined.

First Sir *James Hay*, who deposed that the Earle of Carlile had an advantage of one thousand six hundred pounds *per an.* by his Lease of Wines.

Secondly, The Lord *Ranelagh*, who deposed that by the inspection of the bookes of Accompts, hee had found the Customes to be *Anno 1636*, thirty six thousand pounds. *Anno 1637*, thirty nine thousand pounds. *Anno 1638*, fifty foure thousand pounds *Anno 1639*, fifty nine thousand pounds.

With the Prooves they concluded the Charge; *That notwithstanding the Lord Strafford pretended a great measure of Zeale and Honesty in his Majesties service, yet it is evident hee had abused the trust put upon him, and by withdrawing so great summes of money from the Crowne, had weakned the King, prejudiced the Subject of the Protection they were to expect from him, and had beene the cause that the extraordinary way of Impost and Monopolies had beene undertaken, for supplying of the Royall necessitie: And that this Act, therefore, ought to bee enough to make the Charge and Impeachment of high-Treason laid against him.*

The Lievetenants Reply was, That hee conceived hee had given full satisfaction to all hitherto brought against him, about that pretended Arbitrary Government, nor would hee spend time in vaine Repetitions, for the present Article, though in all its parts it were granted to be true, yet hee could not perceive, by what Interpretation of Lawe, it could imply the least Act of Treason, and when it should be directly Charged upon him as a point of Misdemeanor, Oppression or Felony, hee made no doubt but hee should bee very able to cleere himselfe abundantly in that point also, yet lest any prejudice might stick to his Hououre, by these bold Assertions,

*Straffords
Reply.*

Hee was content to steppe so farre out of the way as to give answer.

First, That it concerned him nothing what particulars in the Lease had past betwixt the King and the Dutchesse of Buckingham, or whether she had obtained a more easie Condition then the Duke her husband; especially seeing that same was granted some yeeres before his comming to that Government; yet thus much hee could say That the Dutchesse had paid thirty thousand pound fine, and therefore no mervaile her yeerely Rent was the lesse.

Secondly, for the book of Rates (wherein the chiefe matter of Oppression & Grievance seemed to rest) the same was there established by the Deputy *Faulkland*, An. 1628. three yeeres before his going into Ireland, and therefore it was exceeding strange, in his apprehension, how that could rise up in judgement against him.

Thirdly, That hee had his Interest in the Customes by Assignment of a Lease from the Dutchesse, which was given her before his Government, nor did hee ever heare it alleaged as a Crime of Treason, for a man to make a good bargaine for himselfe.

Fourthly, That not of his owne accord, bur at the Kings speciall Command hee had undergone that Charge, on hopes that upon the enquiry into the worth thereof, the Customes might be improved for the benefit of the Crowne, and the true value thereof discovered. This hee proved by the Lords *Cottington*, and Sir *Arthur Ingram*.

Fiftly, That when a new booke of Rates was recommended to him by the Councill-Board of England, in the time of his Lease, hee so farre preferred a feare hee had, That the Trade of Ireland might thereby be discouragd, before his owne Commodity, as hee presumed, in all humility, to refuse the said booke of Rates, and tendred his Reasons thereof to the Kingdome and Councill-Board of England.

Sixthly, That hee never understood that the Customes could arise to those great summes alleaged, but though they should, yet his advantage was but small; for first dividing the foureene thousands hee paid to the King, then five parts of eight, which was yeerely given in upon Oath (and that procured first

first by himselfe) at the Exchequer Board, the other three parts divided amongst foure of them which were equall sharers in the Lease, would not amount to any great summe of money ; And therefore except it were Treason for him to have improved the Kings Revennue, oncouraged the Trade, and refused the new booke of Rates, he could not in his own weake judgement discerne any there ; nor could hee thinke it a Crime for him to take an Assignment of a Lease, graunted before his time, and to insilt in the booke of Rates used before his coming over : And therefore was confident the Lords would rather take his Accusation as an exercise of Rhetorick in the Gentlemen his Adversaries, then as a thing spoken in good earnest hy them.

The same day the eleventh Article, concerning Tobacco, was Charged on by the same man Master Glyn, after this manner : *That for the farther advancement of his Tyraunicall and Avaritious Designes, hee had of himselfe, established a Monopolie for the restraint of Tobacco in that Kingdome ; where they offered five particulars to the prooffe.* Charge
Artic. 11

First, That he had restrayned the Importation of Tobacco.

Secondly That in the meane time he had brought in a great quantity himselfe, and sold the same at exorbitant Prizes.

Thirdly, That of Tobacco, already imported, he had forbidden any to be sold, but what was first sealed by his Officers.

Fourthly, That upon a pretended disobedience, hee had punished a great number of People, by seizures, Imprisonments, Fining, Whipping, Pillory, and such like cruell and inhumane usages.

Fifthly, That by these meanes he had gayned one hundred thousand pounds yeerely.

For Prooffe hercof,

First, The Proclamation, for restrayning Tobacco was read.

Secondly, The Proclamation about the sealing of the same.

Thirdly, some witnesses, who declared that Ships had been restrayned from landing Tobacco,

Fourthly, others who had known some Tobacco seized on as forfeited.

Fifthly, The Remonstrance of the House of Commons in Ireland, declaring that the Earle had sold 500 Tunne of Tobacco, which sold at 2 s. 6 d. per pound, amounts to 100000 l.

They concluded the Charge : *That he had sucked up the blood and eaten up the Kings Liege-people, and had by this one point of Oppression, rayed greater summes to himselfe, then all the Kings Revenue, in that Kingdome extended unto : And therefore was lyable to the Crime of Treason, for troubling the Peace, and bereaving the People of their goods, who were entrusted into his Care and Government.*

The Livetenants Reply was,

*Straffords
Reply.*

That his most secret thoughts were conscious of nothing but of a sincere intention and indeavor to promote and advance the well-fare of that Kingdome ; And withall hee conceived (by their leaves) that nothing in that Charge could have the least referrence to Treason ; yet as hee said before, for removing of all prejudice, he was content to answer :

First, That long before his comming to Ireland, the same restraint had been of Tobacco, & the same Impost of eighteen-pence *per pound*, enjoyned by King James.

Secondly, That at that time, the Trades-men for this Commodity paid but twenty pounds a yeere to the Crown, for the Impost, but now 400 l.

Thirdly, That the Parliament in Ireland 1628, had Petitioned to have this Impost settled by an Act of State for ever afterwards, as a part of the Revenue of the Crowne.

Fourthly, That hee had expresse command from the King, for issuing those Proclamations, and therefore could not imagine more danger in them, then in others for Monopolies in England, in the worst sence.

Fiftly, That the Proclamations were sent forth not by himselfe alone, but by the whole Councell-Board of Ireland.

Sixtly, That for the contract of Tobacco, hee was so tender of it, that it was sent over hither, and seene and approved of by the Councell-Board of England, before it was condiscended to in Ireland.

For the Proclamations ; Hee told them it was his owne opinion (and if hee failed in it, he humbly craved pardon, and hoped that it should not bee Treason to have no more judgement then God had bestowed on him) that the King was induced by God, with a power, to make temporary Lawes, and cause the same to be promulgated for the good of his People

upon suddaine emergent occasions ; to which Lawes, obedience is due, till they be abrogated by ensuing Parliaments, that hee restrayned no man from importing Tobacco, who was willing to pay the appointed Impost ; that for his part, hee had never Traffick in all his time, in that kinde, nor had any part with the Contractors : And if any Tobacco was seized on, it was upon Contempt of the Proclamations. And if any Person were censured to the Pillory, or Whipping. it was for known Perjury, the ordinary and usuall punishment in such a Case : Concerning the Tobacco-imported (hee said) no consideration was taken of the prices given for the Tobacco beyond Seas, of the Kings Revenue of foure thousand pound, of the Merchants paines and danger, bringing the same home : For his part, if any advantage were made, surely it was not his, nor could hee annull every Contract or Lease made by the King : And therefore, seeing his interest was none, he had done nothing but at the Kings direction, and at the advice of the Councell-Board; seeing the same Impost was in King James his time, and Petitioned for by themselves in Ireland : He hoped the carriage in the businesse should be so farre from a Crime of Treason, that it should rather be thought no Crime at all. So much for Wednesday.

Upon Thursday hee was Charged with the twelfth Article, concerning Flax, by Master Maynard, on this manner : *That the Flax, being the native and principall Commodity of the Kingdom, was by him (the Lievetenant) restrayned, and the Subjects put to that which was unknowne, yea impossible for the Irish, to make the same into Yarne, here they complained of three things.* *Thursday.
Artic. 12.
Charge by
Maynard*

First, That by Proclamation hee had restrayned selling of Flax.

Secondly, That hee had ordered the making of Yarne of such and such lengths and numbers of threds.

Thirdly, That the Native Irish being unacquainted with such Customes, upon a pretended disobedience, had all their Flax and Yarne seized on to his use, whereby a great many families were reduced to such penury that they died, by great numbers in the fields for want of food.

For prooffe hereof they brought :

First, The Proclamation about the Restraint.

Secondly, The Warrant for seizing the forfeited goods.

Thirdly, The execution of this Warrant, proved by Sir *John Clotworthy*, Lord *Ranelagh*.

Fourthly, The Remonstrance from the House of Commons, in Ireland, That upon the rigorous course and execution of this Warrant, many Persons died for want of foode. They concluded the Charge therefore : *Though the Article did not individually imply Treason, yet it did make very much for the Accumulation of Treason.*

The Lievetenants Reply was,

*Straffords
Reply.*

That, as before, he would and must ever repeate it, that nothing was in the Charge that contained Treason, To the matter it selfe he answered.

First, That the Proclamations issued forth, were grounded not only upon convenience, but upon necessity, because that except some way had beene taken for ordering of Yarne, the Merchants had absolutely given over the Linnen-trade in that Kingdome.

Secondly, That the Councill-Board was as lyable to the Charge as himselfe, amongst whom were, at that time, the Primate of Ireland, the Arch-Bishop of Dublin, Chancellor *Loftis* and the Lord *Mount-Norris*, all subscribers to the Proclamation, men to them of known integrity and Judgement.

Thirdly, That nothing was more common, then for the Councill-Board of Ireland to give out Orders for reducing the natives to the English-Customes, and to fine them for drawing their Horse by the tayles, during their Corne, and such like, and hee conceived that to bee a thing of the same nature.

Fourthly, That the speciall thing inducing him to it was, because he perceived the trade of Wooll to increase much in that Kingdome; He dissuaded by all meanes the making of Woollen-Cloth, because of the infinite detriment that might happen thereby to the Kingdome of England, and therefore thought this the best way to encourage the way of Linnen-Cloth; For, the Warrant to seize upon the goods, he affirmed the same to be

bec

be necessary, because there should bee no contempt to Proclamations ; But that any part thereof did accrue to him, he flatly denied ; If any rigour was used in the execution, hee said not hee, but his Officers were to answer for it ; for this might happen in the most just and necessary commands, nor was there ever any complaint presented to him of any such matter ; For his part he had lost thirty thousand pounds in the Manufacture, established by himselfe, for the encouragement of others,

To that, that Persons died by this meanes, hee Replied, that it was more then ever he heard, or could thinke possible, yea that he was cleared by the allegation it selfe, which saith that the same happened since his coming from Ireland.

To the Remonstrance of Ireland, . Hee conceived that a Charge was but a slender prooffe of a Charge, and that especially upon Interrogatories, not upon Oath, seeing that privilege was not due to the House of Commons, neither here nor there ; that hee might say it in truth and modesty, hee deserved much better of that People, and might take up that in the Gospell. *For which of all my good Deeds, &c.* Yet hee hoped to bee better understood shortly, both here and there, And for his part, though his pursuit had beene very hot, yet God was his witnesse hee never intended to take the least Impression of Revenge, for those discontents and affronts which had beene eagerly put upon him, or to carry any thing hence with him from that Barre, where so many foule Aspersions had beene unjustly throwne upon him, but only *Gratias Agitantes*.

The same day a fresh man (Master Palmer) entred the Lists against him, who having past by, for want of prooffe the thirteenth, fourteen, and part of the fifteenth Articles, insisted only upon the second part, for giving Warrant to Sarjeant Savill, for seizing and laying Souldiers upon the Subjects, hee Charged thus. *That the Lord Strafford having by a Tyrannicall Power inverted the ordinary course of justice, and given immediate Sentence upon the Lands and Goods of the Kings Subjects, under pretence of disobedience, had used a Military way for redressing of the Contempt, and laid Souldiers upon the Lands and Goods of the Kings Subjects, to their utter ruine. This Article (he said) of it selfe did*

Charge by
Mr. Palmer, latter
part of the
15 Article
seizing &
laying souldiers upon
the Subjects.

E

containe

containe an iudividual Treason, so that if there were no more then this, it were more then sufficient to convince him of his Impeachment.

Here he offered two things.

First, The prooffe of the Point.

Secondly, By what Statute this Act of Tyranny, directly and by it selfe, implied Treason : For the first, Sarjeant *Savill* was called, who produced the copie of the Warrant upon which hee had fetled the Souldiers.

Straffords
Reply.

At this the Lievetenant rose, and humbly intreated the Lords no evidence should be received against him, upon an Article of such importance, but what might be thought authentique, and such a one, under favour, hee conceived that Copy not to bee.

First, Because no Transcript, but the Originall only, can make faith before the Kings-Bench, in a matter of Debt, therefore farre be it from them to receive a most slender testimony in matter of Life and Death, before the supreme Judicatory of the Kingdome.

Secondly, if Copies be at any time received, they are such as are given in upon Oath to have been compared with the Originalls, which are upon Record, such an one was not that Copy.

Glyns
Speech.

It was Replied by Master *Glyn* (for all of them spake as occasion served) that the House had but the day before admitted Copies as evidences, much more should they doe this, when it was prosecuted by the Officer himselfe, who best knew it, having executed the same.

Straffords
Reply.

To this the Lievetenant answered, that all other Copies ought to bee received upon Oath, to have been compared with the Originall, as right reason requireth, but that this was not so : And for the Officer himselfe producing it, that was the best Argument hee could use, why it should not be admitted : For (said he) Master *Savill* may bee charged with Treason, for seising men of warre upon the Kings Subjects, he hath nothing for his defence but a pretended Warrant from mee : Now what he sweares to my prejudice, is to his owne advantage, nor can a man by any equity in the World. be admitted to testifie against another, in *suam justificationem*.

The

The point seemed exceeding weighty, and in effect was the groundworke of the whole Article, which not proved, nothing could evince him to have been accessory to the Consequence. The upper House therefore adjourned themselves, and went up to their owne Court, and after a very hot contestation between the factions, and about an houres stay, They returned and declared that the Lords after much deliberation, had resolved that the Copy should not be admitted, and desired them to proceede to other proofes, which after a little pause they did.

*Serjeant
Savils Cop
y of the
Commis-
sion reject-
ed.*

First, the Lord *Ranelagh* affirms; that hee heard of such a Warrant, and knew sometimes three, sometimes five Souldiers Billeted by it.

Secondly, *Malter Clare* declares the very same.

Thirdly, Another Deposeth hee had seene such a Warrant under the Deputies Hand and Seale : And so much for the proofe.

For the Statute, they alleaged one of *Ed.3.6.* that whosoever should carry about with them English Enemies, Irish Rebels, or Hooded-men, and selle them upon the Subject, should be punished as a Traytor. Another of *Hen.6.7.* That whosoever should selle men of warre, in his Majesties Dominions, should be thought to make warre against the King, and punished as a Traytor, They concluded, *It was evident the Lord Strafford had incurred the penalty and breach of both the Statutes, and therefore desired the Lords should give out judgement against him as a Traytor.*

The Lord Lievetenants Reply was,

That in all the course of his life, hee had intended nothing more then the preservacion of the Lives, Goods and wel-fare of the Kings Subjects, and that hee dared profess, that under no Deputy, more then under himselfe, had there been a more free, and un-interrupted course of Justice.

*Straffords
Reply.*

To the Charge he answered.

First, That the Customes of Ireland differed exceedingly from the Customes of England, and was cleere by *Cookes* book and therefore, though selling of men might seem strange here, yet not so there.

Secondly, That even in England hee had known Souldiers pressed upon men, by the Presidents of Yorke and Wales, in

case of known and open Contempts, and that both in point of Outlary and Rebellion, and also even for sums of Debt betweene party and party, there is nothing more ordinary then these Sellings to this day in Scotland, whereby the chiefe house of the owner is seized upon.

Thirdly, That to this day there hath beene nothing more ordinary in Ireland, then for the Governours to appoint Souldiers to put all manner of Sentences in Execution, which hee proved plainly to have beene done frequently, and familiarly exercised in *Grandisons*, *Faulklands*, *Chichesters*, *Wilmots*, *Corks*, *Evers*, and all preceding Deputies times : And had even for Outlaries, for the Kings debts in the Exchequer, of Collection, of Contribution money, and (which comes home to the point) for peteeet somes of money betweene party and party, so that he mervailed *quâ fronte*, or with what boldnesse it could be called an Arbitrary Government lately brought in by him.

To this the Lord *Dillon*, Sir *Adam Loftis*, and Sir *Arthur Teringham* deposed ; the last of whom told that in *Faulklands* time hee knew twenty Souldiers Selled upon a man for refusing to pay sixteene shillings sterling.

Fourthly, That in his instructions for executing his Commissions, hee hath expresse warrant for the same, as were in the Instructions to the Lord *Faulkland* before him, both of which were produced and read.

Fiftly, That although all these Presidents were not, yet it were not possible to governe the Kingdome of Ireland otherwise, which had beene from all times accustomed to such summary Proceedings.

Sixtly, that no testimony brought against him can prove that ever he gave warrant to that effect, and for the Deedes of the Sarjeant at Armes, he did conceive himselfe to bee answerable for it.

As for the Acts of Parliament, hee had reserved them to the dispute of his Lawyers, but was content to say thus much for the present.

First, That it is a ground in the Civill-Law, that where the King is not mentioned, there hee cannot bee included. But (with all distance to his sacred Person bee it spoken) hee conceived

ceived himſelfe to be in his Maſter the Kings place (for ſo his Commiſſion did run) in that Kingdome of Ireland.

Secondly, The words of the Statute are not applyable to him, for God knowes, hee never went about in Perſon to lay Souldiers upon any of the Kings Subjects.

Thirdly, That the Kings owne Souldiers, enquiring in a Cuſtomary way, obedience to his Orders, could in no conſtruction bee called Irish-Rebells, English-Enemies, or Hooded-men.

Fourthly, That the uſe and cuſtome of the Lawe, was the beſt Interpreter thereof, and for that hee had already ſpoken enough.

Fiftly, That it favored more of præjudice then equity, to ſtart out ſuch an old Statute againſt him, and none others, though culpable of the ſame fact, to the overthrow and ruine of him and his Poſterity.

Sixtly, That (under favour hee conceived) for any Irish Cuſtome, or upon any Irish Statute, hee was to bee judged by the Peeres of Ireland.

Seventhly, That Statute, of what force ſoever was Repealed.

Fiſt, By the tenth of *Henry* the ſeventh, where it is expreſſly declared, nothing ſhall bee reputed Treason hereafter, but what is ſo declared by the preſent Statute, now not a word there of any ſuch Treason.

Secondly, By the eleventh of queene *Elizabeth*, where expreſſly power is given to the Deputy of Ireland, to ſeſſe and lay Souldiers, although the ſame bee reputed Treason in any other.

To the Statute of *Henry* the fixt hee Replyed, that a ſlender anſwere might ſerve; He hoped that no man would thinke him ſo inconfiderate to warreagainſt the King of Britaine and Ireland, by the ſeſſing of five Souldiers, that hee had beene charged by many for taking Armes for the King, but to that time, never for taking Armes againſt him: And that he heartily wiſhed that no man in all his Majesties Dominions, had more practiſes with Rebels and Rebellious Deſignes againſt the King then himſelfe.

So much for Thurſday.

At the cloſe he deſired the intermiſſion of a day, that he

might recollect his spirits and strength against the next quarrell, and with some difficulty obtained rest till Satterday.

Saterday
Charge
Article 16
by Master
Palmer.

Upon Satterday Master Palmer proceeded to the sixteenth Article, and Charged thus. *That the Lord Strafford, having established a Tyrannicall and Independent Authority, by giving summary Decrees and Sentences, had deprived the Subject of all just Remedy; for in that Kingdome there was none supreme to himselfe, to whom they might appeale; And lest their just grievances might be made known to his Majesty, he had obtained a Restraint, that no Complaixt should bee made of injustice or oppression done there, till the first addresse had beene made to himselfe, and that no person should come out of that Kingdome but upon Licence obtained from himselfe.*

For Proove of this,

First, The Instructions were read, whereby that Restraint was permitted.

Secondly, The Proclamation, That all Noble-men, Gentlemen, Undertakers, Officers, or other Subjects that should resort into that Kingdome, should not come from thence without a Licence from him.

Thirdly, That he had restrayned the Earle of Desmond because of a suit in Lawe depending betweene the Earle and himselfe, till publication of the same was passed.

Fourthly, That the Lord Roch, being informed against before the Starre-Chamber, he would not Licence him to come into this Kingdome, till the Sentence was passed against him.

Fifthly, That one *Marcatee*, having pretended a minde to travel was denied a Licence.

Sixtly, That the whole Committee for the Parliament, was Restrained this last yeere by Deputy *Wansford*, which they said might be interpreted to be his fact, both because they had such Intelligence the one from the other, as also by the Proclamation issued by him before.

Seventhy, That one *Parry*, servant to Chancellor *Lofrie* was fined five hundred pounds at his returne, for departing Ireland without Licence.

Eighthly, That the Irish Remonstrance complained of this, as the greatest innovation and thraldom put upon them since the time of the Conquest.

They

They concluded the Charge. *That by this meanes having taken off that intelligence which should bee betweene the King and his People, and having deprived them of that Remedy which in reason they might expect from so just and so Gracious a Prince, hee had taken upon him a Royall and Independent Power, and had faulted highly both against King and State*

The Lievetenants Reply was. :

That he hoped to make it cleere, that hee had done nothing in that particular, but what was Usual, Necessary, and just, and that he should be very well able (by the Grace of God) not only of that, but of all other his publique actions, to give a reasonable Account, though not be free from much weakenesse, yet cerainly from all Malice and Treason.

*Straffords
Reply.*

To the Particulars,

First, For Instructions laid upon him, he was not so much Chargeable as those of the Councell of England, whereof there was a great many present who could witnesse their commands, But lest any thing should seeme unjustly enjoyned by them, or embtaced by him, hee desired that the reasons of their Instructions might be read, which were ; *That it were In-justice to complaine of Injuries, of Oppression done in that Kingdome. till the first Deputies judgement were in ormed, and tryall made of his Integrity, that it would much discourage the Ministers of State there, and expend the monies of that Kingdome, if upon every trifling businesse, Complaints should be admitted in England : And that if justice were there denied by the Deputy, it should be lawfull for any man to come over.*

Secondly, For the Proclamation, that the same was builded upon the Statute of that Kingdome, the 25 Hen. 6. which contained the same Restraint *Verbatim.*

Thirdly, That *Anno 1628.* the Agents for the Irish Nation had Petitioned for the same from the King.

Fourthly, That the Deputy *Faulkland,* had set forth the same Proclamation.

Fifthly, That he had the Kings expresse Warrant for it, *Anno 1643.* which was read.

Sixtly, That hee had received the Warrant in January, yet the Proclamation issued not out till September after.

Seventhly, That the whole Councell-Board of Ireland, had

had not only condescended but also pressed him to it.

Eighthly, The necessity of the Kingdome required the same, for, if the Gentlemen had the Ports open to goe to Spayn, and their Schollers to Doway, Rhemes or St. Omers, it were likely that at their returne they would put fire both in Church and State, and produce very sad evenrs, by practising to distemper both.

Ninthly, He conceived that the King, as great Master of the Family, might restraine whom he pleased from departing his Kingdome without his privity, and here it was not lawfull for any to goe from England without Licence, how much more necessary was this from Ireland.

To the Prooves he answered,

First, For *Desmond*, He granted he was Restrayned indeed, but not for any suite of Law betwixt them, but because at that time he stood Charged with Treason before the Councell in Ireland, for practising against the life of one *Syr Valentine Cooke*.

Secondly, For the Lord *Roch*, he hath often times mervailed with what reason, the man at that time could seeke a Licence, seeing he was a Prisoner for debt in the Castle of Dublin, and if he had granted a Licence unto him then, it had been a far more just Charge of Treason then now.

Thirdly, For *Marcattee* he was afraid of his going to Spain and if he had told him that he intended to goe for England & complaine of himselfe, he would not have refused him Liberty, as he never did to any.

Fourthly, That the Committee of Irish was not restrayned by him, and therefore did not concerne him at all.

Fifthly, That for *Parry*, he was fined indeede, But that it is expressly said in his Sentence, that it was not for comming over without Licence (as is suggested) but for sundry contempts against the Councell-Board in Ireland.

Sixtly, That he had Replyed in the last Article, a Remonstrance was no proove at all; He concluded that he hoped the least suspicion of Treason could not accrue to him from the Article; For Oppression or Misdemeanor, when it was laid to his Charge, he made no doubt but he should bee able to answer it.

The same day a new man was hurried out against him, (Mr. *Whitlock*) who having past over the 17 and 18 Articles, resteth on the nineteenth, about the Oath administred to the Scots, in Ireland, and Charged thus :

That it was the height of his Tyranny, not only to dominiere over the Bodies, but also over the Consciences of mⁿ, to which purpose hee had enjoyned an Oath to the Scots in Ireland, and because some out of tenderesse of Conscience did refuse to take the same, hee had fined them in great sommes of money, bannished a great number from that Kingdome, called all that Nation Traytors and Rebels, and said If ever hee returned hom from England, he would roote them out both stock and branch.

For Proote of this,

First, Sir *Jam^s Mountgomery* was produced, who declared at large how that Oath was contrived.

Secondly, Sir *Robert Maxwell*, of Orchyardon, who spake to the same purpose.

Thirdly, Sir *J^o. Clotworthy*, who declared that a great number had fled the Kingdome for feare of that Oath.

Fourthly, One Mr. *Samuell*, who deposed, that upon the tenth of October, 1638. He heard the Deputy say these words, That it hee returned, hee would roote them out stock and branch.

They Concluded, *That this was a point of the most Tyrannicall and Arbitrary Government, that before this time was ever heard of, not only to Lord it over the Fortunes, but also over the Soules of men, And that it rested only in the Parliament, which hath the Legislative Power to enjoin Oathes : And that therefore this was one of the chiefe points hee had done against the privileges and Liberty of the Subject.*

The Lievetenant Replyed :

That every new Article acquainted him with a new Treason, that if hee had done any thing in all his life acceptable to the King and the Countrey, hee conceived it to bee this. To these Particulars :

First, Hee desired the Lords would call to minde the condition of thole times, no man (pointing to my Lord Steward) knowes better then your Lordshippe, who had then the chiefest place in his Majesties service ; I would be very sory to

rub (said he) old Sores, especially seeing I hope things are in a fayre way to a firme Peace, and I wish that I may not bee deceived, that is, That it may be so, only thus much I may say, we had then greater feares and apprehensions in Ireland, lest the Scots in the Kingdome (who were above one hundred thousand Soules) might have joyned with their Country men at home, for the disturbance of our peace, meane time we detected a Treason of betraying of the Castle of Knockfergus, to a great man in that Kingdome (whose name I now spare) by one *Freeman*, who upon the discovery was executed.

The Councill-Board therefore in Ireland resolved to prescribe the Scots an Oath, whereby they might declare their discontent at their Country-mens proceeding, and oblige themselves to the Kings service; But while we were about this; they, of their own accord, came to Dublin, to Petition for it, and took it with a wonderfull alacrity and heartinesse, so that it is a marvelous falshood for any man to say it was iuvented, or violently, enjoyned by me.

Secondly, about the same time, the same Oath *verbum verbo* was by the Councill of England prescribed, to the Scots, at London and else where, which was no small encouragement to us in Ireland.

Thirdly, I had (said he) which I never shewed, because I had no neede before this time, a speciall Warrant from the King, all written with his owne hand to that effect; And when the King commands a matter not contrary to Law, truly I (said he) doe conceive it both contrary to Law and Conscience, not to yeeld him all due obedience, For the Proofs brought against him, there was nothing seemed to bee of any moment but the words.

For the first words, *That hee had called all the Nation Rebels and Traytors*, Hee said there was no prooffe at all, nor indeede could there be any, for if I had said it (quoth hee) I had beene perfectly out of my witts; And, he thanked God, such irrational-speeches used not to escape him: Hee honoured that Kingdome very much, because it was the native soyle of our dread Sovereigne, his gracious Master, and because hee knew a part, yea (he hoped) the gratest part of them had beene, and ever will be as loyall and dutifull to the King, as
any

any other of his Subjects; And of those too who had subscribed that unhappy combination, hee knew a great many had done it against their hearts and wills, and would be ever ready upon occasion to remonstrate the same, by adhering to the Kings service: So that his accusation was nothing but a wrestling and perverting his words and meaning, of purpose to make him odious; and irritate a whole Nation against him.

For the other words, they were proved only by one witnesse, which could make no sufficient faith; and that witnesse too hee would evince, if not of perjury, yet of a notable mistake; For hee had sworn positively that hee had spoken those words the tenth of October, whereas hee was come out of Ireland into England the twelfth of September before, and was at London the one and twentieth.

For those that had fled the Kingdome because of that Oath he knew none such, and if they did, they fled into Scotland, which might sufficiently argue their intention and resolutions; For his part, if they were not willing to give that testimony of their Loyalty to their Prince, although hee had known of their departure, hee would have beene very loath to have kept them against their wills, but should have beene gladly rid of them, and have made them a Bridge to be gone rather than stay.

Upon Monday Master *Whitlock* proceeded to the 20 Article, and told him, that because the matter was intervenient, & *con-*
sim lis natura, they had resolved to joyne the five next Articles together, because all of them tended to one point or period, that is, to shew what bad D. signe he had to have subdued the Kingdomes both of Scotland and England by force of Armes, and to reduce them to that arbitrary Government he had lately introduced into Ireland. *Munday Article 20 the next 5 crowded together.*

The Lievetenant intreated that they would proceed according to the order prescribed by the House, which was Article by Article; Hee said five Articles were many, the matter weighty, his Memory Treacherous, his Judgment weak.

It was bitterly replied by Master *Glyn*, that it did not become the Prisoner at the Barre, to prescribe them in what way *Glyn's He- ny combe interposed.*

way they should give in their Evidences.

The Lievetenant modestly answered, that if hee stood in his place, he would perhaps crave the like favour, unlesse his abilities did furnish him with more strength then hee could finde in himselfe; for his part he was contented they should proceede any way, alwaies provided they would grant him a competent time for Replying.

Then *Whitlock* went on and told the Lords, that something in those Articles concerned the Scottish, something the English Nation, that which concerned the Scottish, he reduced to five heads.

First, *That the Deputy had said at the Councell Board, that the Scotts demands contained sufficient matter to perswade to an offensive Warre.*

Secondly, *That the same demands did strike at the Roote and Life of Monarchicall Government, and were only to bee answered by the Sword.*

Thirdly, *That he had caused some Scottish goods and ships, to be seized on in Ireland.*

Fourthly, *That he had engaged the Irish Parliament, by their Declaration, in that warre against the Scotts.*

Fifthly, *That by all possible meanes, hee put bad thoughts and suspicions into his Majesty against his Scottish Subjects, and laboured to make a National-quarell between them and England which, if the Kings piety, and the prudence of better affected States-men had not prevented, could not have beene soadered up a gaine without much blood.*

Concerning England, his speeches were eyther before or after the Parliament.

First, *Before his Creature and Bosom-friend Sir George Ratcliffe, he had said to Sir Robert King, when hee was doubting how the King-might have monies to pay his Armies, that the King had foure hundred thousand pounds in his purse, thirty thousand men in the field, and his sword by his side, and if hee wanted money afterwards who will pity him.*

Secondly, *That his brother Sir George Wentworth had said to Sir Robert Beringtoo, upon the dissolution of the last Parliament, that seeing the English would not grant supply to the King,*

it seemes they were weary of their Peace, and desired to be conquered a second time.

Thirdly, That hee himselfe, upon a discourse with the Primate of Ireland. had said, that hee was much of the minde of those English Divines, who maintayned it lawfull for a King, having tryed the affection and benevolence of his People, and then denyed their helpe, upon an inevitable necessity and present danger of the Kingdome, that he might use his Prerogative for his owne supply, and the defence of his Subjects.

Fourthly, To the Lord Conway, in a discourse hee had said, that if the Parliament (meaning the last Parliament) should not grant a competent supply, that then the King was acquitted before God and Man, and might use the Authority put into his hands.

Fifthly, That hee did say at the Councill-Board, If the Parliament should deny to helpe the King, hee would take any other way he could for his Majesties service and assistance.

His expressions after the Parliament were two.

First, That the Parliament had forsaken the King, and that the King should not suffer himselfe to be over mastered by the frowardnesse, obstinacy and stubbornnesse of his People.

Secondly, That if his Majesty pleased to imploy Forces, he had some in Ireland that might serve to reduce this Kingdome.

The Proofs for the Scots Particulars were these.

First, The Lord Traquiere, who was indeede very favorable to the Lord Lievetenant, and spake nothing to his disadvantage, but what was scrved from him, with much difficulty hee told them, That when hee gave in the demands, he heard him say that it was high time for the King to put himselfe into a posture of Warre, but that first all the Councill of England said the same as well as hee. Secondly, That it was a double supposition. First, that the Demands were truly given in. Secondly, That there was no other remedy left but Armes to reduce them.

Secondly, The Earle of Mortons testimony (being sick himselfe) was produced, and it was one and the same with the Article.

Thirdly, Sir Henry Vane was examined, who declared, that he had heard the Lievetenant to advise the King to an offensive Warre, when his owne judgement was for a Defensive.

Fourthly, the testimony of the Earle of Northumberland, was

produced ; which was the very same with Sir *Henry Vanes*,

Fiftly , The Treasurer of England depofed the same with *Troquiere*.

Sixtly , One *Beane*, from Ireland, told that hee had knowne Shippes le zed on there, but by whose procurement or Warrant he knew not

To the Articles about England,

First, Sir *Robert King* and the Lord *Ranelagh* depofed the same, that Sir *Robert King* and the Lord *Ranelagh* had heard Sir *George Ratcliffe* fpeake those words in the Article.

Secondly, Sir *Robert Barrington*, of Sir *George Wentworth*.

Thirdly, The Primates testimony (who is sick) was the same with the Article.

Fourthly, The Lord *Conway* depofed the same with this Article.

Fiftly, Sir *Henry Vaine* depofed He had heard those words spoken at the Councell-Boord.

For the Words spoken after the Parliament, to the first

Sir *Tho. Jermyn*, } were Examined, Bristoll did mince the
Lord Newburg, } matter, But Hollands testimony was
Earle of Bristoll, } expresse, because of the exceeding great
Earle of Holland, } Love he carried to the Man.

For the last, which were the most dangerous speeches (about reducing of this Kingdome) there was only Sir. *Henry Vaines* testimony who declared only thus, That hee had either those words or the like.

Here some of the Lievetenants friends shewed themselves.

1. The Lord *Savill* who desired of Sir *Henry Vanes* to know whether he said *their*, or *this*, or *that Kingdome*, and withall said it was very hard to condemn aman for Treason upon such Pettit circumstances.

2. The Earle of South-hampton desired to know whether Sir *Henry Vane* would sweare those words positively or not, Sir *Henry* said positively either them or the like, The Earle replied that under favour those or the like could not be positive.

3. The Earle of Clare desired to know what could be meant by

by *this* Kingdome; for his part (he said) he thought it meant of the Kingdome of Scotland, to which the word *this* might very well bee relative, that Kingdome being only mentioned in the præceding discourse. And that hee was the more ready to bee of that opinion, because he could not see by what Grammaticall construction it could be gathered from his words, that he meant to reduce England, which neither then was, neither is now (God be thanked) out of the way of obedience. nor upon Rebellious courses.

They at last concluded the Charge, *That the words were so monstrous that to aggravate them, was to allay them, and therefore they would simply leave them to the judgment of the Lords.*

The Lievetenants Reply was,

That though the heaping up of those Articles had put him to a great confusion, yet he would endeavor to bring his Answer into the best method he could, and first he would reply to the Prooffe, then add something in generall for himselfe, in what a hard taking and lamentable condition he was, to have his private discourses, his most intimate and bosome friends, search't and sifted to the least circumstance, that hee might seeme guilty of that which, by God's assistance hee should never be.

*Straffords
Reply.*

To the Lord *Troqueeres* and the Deputies depositions, hee thought their proofes did not much stick upon him, for upon the suppositions, first that the demands were true, secondly, that they were not justifiable, thirdly, that no other course could prevaile: Hee could not see what other advice hee could possibly give the King then to put himselfe into a posture of Warre, especially seeing then there was frequent reports of the Scots invading or entring into England, nor was hee of any other minde then all the rest of the Councell-Board.

For that of *Mortons*, hee doth not positively remember the words, but if the demands were read perhaps they would imply nothing lesse, and if so, how otherwise to be answered but by the Sword? All other meanes being first assayed, which is ever to be supposed.

For Sir *Henry Vane* and *Northumberland's* testimony, about perswading of an offensive Warre, he said, Hee remem-
bred

bred it very well, and thought it as free for him to give his opinion for offensive, as they for a defensive Warre : Opinions (said he) if they be attended with Obstinacy or Pertinacy may make an Heritique, but that they ever made a Traytor, he never heard till now, nor (under favour) should I bee an Heritique cyther (said he) for as I was then so am I now, most willing to acknowledge my weakenesse and correct my errors, whereof no man hath more, or is more sensible of them then my selfe : yet, if that opinion of mine had beene followed, it might perhaps have spared us some money (said hee) and some Reputation too, of which wee have beene prodigall enough.

For the last, about the Ships, it proves nothing but he would willingly confesse, that some ships were there deteined and that by himselfe and his own direction, as Vice-Admirall of Connaugh, but it was at the command of the Lord Admirall the Earle of Northumberland, and produced his Letter to that purpose.

To the English proofes, He mervailed much how Sir *George Ratcliffs* words could be put upon him, Sir *George* (though alleaged to be his bosom friend) yet had thoughts of his own, and might have some other thoughts in his bosom, and be to some other Expressions then Sir *George Ratcliffs* : No man (said hee) can commit Treason by his Attorney, and should I by my friend Sir *George*, as by a Proxie.

For his Brother, He never knew him before so rash, but that was nothing to him, except they could prove a neerer Identity then nature had instituted, and that his brothers words and his were all one, yet withall hee conceived that his Brothers words might be very well understood, of the Scotts conquering England, but not at all of the Irish, and so hee wished, with all his heart, that hee had not spoken something which is like Prophecy.

To the Primates Testimony (with all reverence to his integrity to be spoken) he is but one witnesse and in Law can prove nothing, add to this (said hee) that it was a private discourse betweene him and me, and perhaps spoken by me *testandi gratia*, and how farre this should be laid to a mans Charge, let your Lordships Judge.

Yea, this seemes to me against humanity it selfe, and will make the society of men so dangerous and loathsome to us, that our dwelling houses will be turned to Cells, and our Townes to Desarts : That which God and Nature, (our Tongues) have bestowed upon us [for the greater comfort of venting our own conceptions, or craving the advice of wiser and learned men] shall become snares and burdens to us, by a curious and needlesse feare, yet if my words be taken, said hee with all that went before and followed after, I see no danger in them.

To the Lord Conway I may Reply the same, with this addition, That it is a very naturall motion, for a man to preserve himselfe; every Creature hath this priviledge, and shall we deny it to Monarchy, provided this be done in a lawfull, though in a extraordinary way, this graine of salt must be added to season all my discourse.

To that of Sir *Henry Vane*, of offering my service to the King, I thanke him for the Testimony, and thinke hee hath done me much honoure thereby, but if he or any body else doe suspect that his Majesty will imploy me in any unlawfull enterprizes, I shall thinke them more lyable to the Charge of Treason then my selfe.

To the subsequent Testimonies, I shall not neede to wrestle about them much, only the last of Sir *Henry Van* pinches, and lies sore upon me, but to that which the Earle of Clare (and I thanke him for it) hath said already, give me leave to add this, That the Testimony of one man is not a sufficient witnesse, nor can a man be accused, much lesse condemned, of Treason, upon this, and for that reade the Stat. of *Hen.* 7. 12. and of *Edw.* 6. 5.

Now my Lords (said hee) to give you further satisfaction, I shall desire all the Lords of the Councell, which were then present (only to the number of eight) may be examined whether they heard those words or not, for the Arch-Bishop and Sir *Francis Windbank* they cannot be had, Sir *Henry Vane* gives the testimony, I deny it, foure only remaine.

First, the Earle of Nortumberlands testimony, which was read, had declared expressly that he had never heard those words, nor any like them from the Lord Strafford, but hee

speake with great honour and regard to the King of England.

Secondly the Marquesse *Hamilton*, who declared upon his oath, that he had never heard such words, but that hee had heard the Lievetenant often say, that the King was to rule his Royal power *Candide & Castè*, that it would never be well for this Kingdome, till the Prærogative of the Crowne, and the Priviledge of the Subject went in one pace together, and that Parliaments were the happiest way to keepe a correspondency betwixt the King and People.

The very same was delivered by the Lord Treasnrer, and the Lord *Cottingham*.

Now, my Lords, you may mervaille how these words rested only on the eares of Sir *Henry Vane*, but my Lords, said hee, that I may remove all scruple from you, I will make it evident that there was not the least intention that the Irish Army should set a foot in England, and then I hope you will conceive that I had no meaning to reduce this Kingdome.

This he made cleere by the testimomy of Northumberland, the oaths of Marquesse *Hamilton*, Lord *Cottingham*, Lord Treasurer, Sir *Thomas Lucas*, who only were private to that matter.

For other of my words my Lords (said hee) I desire you would not take them by halves, if so, who should be free from Treason? Certainly, if such a præcedent take footing, Westminster-Hall shall bee more troubled with Treason then with Common-Law, looke therefore to the Antecedents and Consequents of my speeches, and you shall finde the State of the question cleerely altered; the Antecedents were upon an absolute or inevitable necessity, upon a present invasion, when the remedy of Parliament cannot be expected; the Consequents for the defence of the Kingdome, with accompts afterwards to the Parliament. The qualification too in a lawfull, convenient, and ordinary way, so farre as the present necessity can permit. Add but these, and which of you are not of my mind? Is the King endowed with no power from the Lord? Is hee not *publicus Inspector Regni*? Stands it not him in hand to do something on present necessities.

And that these were his words he often proved, over and over

ver againe, by the Marquesse, by the Lord Treasurer, *Coltington* Sir *Tho. permine*.

My Lords, what I have kept to the last (said hee) is this, and I would intreate you seriously to thinke of it ; If a mans Table, his Bed , his House , his Brother , his Friends (and that too after they have given an oath of secrecy) to be rack't to finde out Treason against him, who never knew what it meant, what earthly man shall passe free from Treason ? Let my misfortune my Lords, be your advertisement , your wise Ancestors were glad to put bands and limitts to this Lion Treason , if you give the large scope of words to range into , hee will at last pull you or yours all to peeces.

But my Lords, I did never thinke till now, that matter of Opinion should be objected as matter of Treason.

For, first opinions are free , and men may argue both *pro & con*. in all faculties without any staine of his reputation, otherwise all consultations would be vaine.

Secondly , I may be of another judgment then I declare my selfe to be of opinion , perhaps to gaine better Arguments for the maintenance of my own Grounds.

Thirdly, Many, and my selfe oftentimes , have propounded my Opinion , yet upon hearing better judgements , have presently changed it.

Fourthly, Wee use to strayne our opinions too high , sometimes , that we may meete in a just moderation with those whom wee conceive in the other extremity to be too low.

Fiftly, It is expresly commanded by the Stat. *Hen. 6. 9.* that though a man should say the King is not lawfull heire to the Crowne, and may be deposed; yet he is not to be charged with Treason , but only with Felony , And I hope my Lords, those words are of a more transcendent and superlative nature, then any alleaged by me to be spoken : But my Lords (said hee) lay it to your hearts, it must come to you , yon and your posterity are they whom God and Nature , Byrth and Education have fitted to beautify the Royall-Throne , and to susteine the weighty affaires of the Kingdome , If to give your opinions in Politicall Agitations shall be accounted Treason , who will be willing to serve the King , or what a dilemma are you in ; If, being sworn Councillors , you speake not your minds freely

you are convict of perjury, if you doe perhaps of Treason. What detriment ! what Incommodity shall fall to King and Kingdome, if this be permitted ? Which of you hereafter will adventure, yea dare adventure, so much as to helpe by your advise, unlesse you be weary of your lives, your estates, your posteritie, yea your very Honor ; Let me never live longer then to see this confusion, yea I may say it, this inhumanity in England, for my part (my Lords) I here confesse my selfe, I ever have, and ever shall speake my opinion freely, in any thing that may concern the Honor or safety, eyther of my gracious King or my deere Countrey, though the Sword be two edged, fearing rather him that killeth the Soule, then him whose power reacheth only to the body.

Nor doe I see how I am culpable of Treason, unlesse it bee treason for not being infallible, and if it be so, my Lords, you have this rag of mortality before you, loaden with many infirmities ; though you pull this into shreds, yet there is no great losse, yea there may be a great gayne, if by the same I may seeme to have dared too farre, to give a testimony to the World of an Innocent conscience towards God, and a Resolute loyalty towards my Prince [which have ever been my only Pole-starres in the whole course of my life] and if by spilling of mine, there be not a way found how to trace out the blood of the Nobility (which I hope your Lordships will looke too) there is no disadvantage at all suffered by the losse of me.

You have his very words as neere as I could recollect.

Tuesday was a day of Rest.

Wednesday
Whitlocks
Charge.

Upon Wednesday *Whitlock* Charged thus : *That the preceding Articles were of so high a consequence, and of so transcendent a Nature, that nothing wanted to make up the perfect measure of the most horrid Treason, and monstrous Attempt that ever, by a Native, was intended against his King and Country : But putting these designed projects into Execution which had undoubtedly hapned to the ruine and subversion both of Church and State, had not the clemency & goodnesse of the Prince, and the Piety and carefulnesse of the well affected Peeres timously foreseene and prevented the same ; that still the Principles of Tyranny and Oppression had lodged within his bosome, and therefore had burst forth into these*

these expressions and advises conteined in the following Articles where first, in the twenty fifth, they Charged him with three things.

First, That hee had advised the King to rigorous and unlawfull exaction of Ship-money.

Secondly, That he had given Councell, that if the Shreeves, should deny their best endeavors, and assistances to that effect, they should bee sent for and fined by the Starre-Chamber, and Imprisonment.

Thirdly, That when the Aldermen of London, had in all humility presented the Causes why the Ship-money could not be collected amongst them and had given in the Reasons why they refused to give in a List of their names, within their City, who were able to afford the Loan money; Hee in a contemptuous & Tyrannicall manuer, in the face of the Councell-Boord had said to the King, Sir, These men because of their obstainacy and frowardnesse, deserved very well to bee fined, ransomed and layed by the heeles: And it will never goe well with your service, untill some of them be hang-ed up for examples to other.

The Proofes were these:

First, the Bishop of London, Lord Treasurer, who declared that he remembred the words very well, that the Lord Lievetenant had advised the King to cause the Ship-money to be gathered in, but he remembred withall, that both himselfe and all the Councell had done the like, and that it was upon a present necessity, and defect of money, for entertayning the Army, which (the condition of the times considered) they all conceived, was by any meanes to be kept on foote.

Secondly, Alderman *Wiseman* declared, that upon an humble Remonstrance made to the Councell-Boord, the City would take it ill, if a Tax-role should be delivered of their estates, who were thought able for the Loan-money; The Lord Strafford said, they deserved to bee fined, ransomed, and laid by the heeles, but for the words of hanging them up, hee heard not at all.

Thirdly, the Earle of Barkshire declared, that the Lord Strafford had said, that upon the refusall of such a service enjoined by the Kings peremptory command, it was his Opinion, they might be fined.

Fourthly, Alderman *Garway* attested the preceding words, and withall added, that the Lord Lievetenant, to his best remembrance, had said, It were well for the Kings service if some of them were hanged up.

They closed the Charge, *That by such undutifull expressions he had injured the propriety of the Subject, and had put such discontent upon the City, that they were the lesse willing upon occasion to concurre for advantage of the Kings service.*

The Lievetenant Replied :

*Straffords
Reply.*

First, That though all the Charge were, in the most strict and rigid way or sence verified against him, yet hee could not conceive by what interpretation of Law it could be rech't home to high-Treason, And to that common abjection (that the treason was not individuall but Accumulative) hee replied that under favour he thought to that manner, were as much as to say, no Treason at all :

Because,

First, That neither in Statute Law, Common Law nor practise. there was ever, till this time, heard of such a matter as Accumulative-Treason, or a Treason by way of consequence, but that it is a word newly coyned, to attend a Charge newly invented, such an one as never was before,

Secondly, That treason was a thing of a simple and specificative nature, and cherefore could not be so by accumulation, but eyther must be so in some, or eyther of the Articles, or else could not be so at all.

Thirdly, *Hee did conceive that it was against the first principles of Nature, and false; therefore could not be so by Accumulation, but eyther must be so in some or each of the Articles, or else could not be so at all.* That a heape, or Accumulation, should be and not be of Homo-geneous things, and therefore, that which, in its first being, is not treasonable, can never conferre to make up an accumulative Treason. *Cumulus*, an heape of Graine, so called because every, or at least some of the individuals are graine; if otherwaies, an heape it may be, but not an heape of graine: Just so, perhaps these Articles may make up an heape of Felonies, Oppressions, Errors, Mis-demeanors, and such like (and to the thing it selfe I shall give an answer when, under that name, they shall be Charged against me) but they can no waies conferre to the making up of Treason, unlesse

lesse some , at the least , bee Treason in the Individuall.

Secondly , That the testimonies brought against him , were all of them single , not two one way , and therefore could not make faith in matttr of Debt , much lesse in matter of Life and Death ; yea , that it was against the Statute expresly , to impeach a man of high Treason under the evidence of two famous witnessses , much lesse to adjudge and convince him upon attestation of one.

Thirdly , To the Lord-Treasurers testimony , he did with all his heart condiscend unto it , but upon these grounds only , that there was a present necessity of money , that all the Councell-Boord had so voiced with him , yea before himselfe , and he allwaies thought it presumption in a man , not to follow the wiser and more judicious , And that then there was a Sentence of the Starre-chamber , for the right of paying Ship-money ; for his part ; he would never be more prudent then his teachers , nor give judgement against the Judges , And therefore he thought it not farre amisse to advise the King for the collecting of that , which by Law was his owne , in such a present and urgent necessity , and although his opinion (and it was no more) had beene amisse , he hoped , that though in case of Religion , being attended with stubbornnesse and pertinacy , it might come home to Heresie , yet in his case opinion could not reach so farre as Treason ; unlesse it be Treason for a man to speake his judgement freely , when he is upon his oath to doe the same.

Fourthly , For the words about fining , he had already acknowledge in his generall Answeres to be true , but with these qualifications , that it was his opinion only , that it was upon the refusall (as he conceived) of a just service , that hee had spoken them , by no meanes to prejudice the Citizens , but to make them the more quick and active in the Kings service : that no ill consequence at all hapned upon them ; that they were words might have beene spared indeede , but innocently , though suddenly spoken ; which he hoped might proceede from a man of such a hasty and incircumspect humor as himselfe (made so both by nature , and his much infirmity of body) without any minde at all to Treason , And that if all Chollerick expressions , of that nature , should bee accounted treasonable

nable, there would be more suits, of that kinde, fly up and down Westminster-hall, then Common-Law.

Fiftly, To those words attested by the Alderman, hee positively denyed them, and hoped they should never rise up against him in judgement, because the testimony was single and not positive, but only to his best remembrance, and that it was exceeding strange, that not any one man, neither of the Councell or other Aldermen were so quick to observe them, but only Alderman *Garmay*, which he thought sufficient to nullifie that single testimony, except he could demonstrate himselfe to have some rare and singular faculty of hearing.

In the Close, He desired the Lords; from his misfortune, to provide for their own safety, and seriously to consider what a way was chalked out to ruine them, both in their lives and their estates, if for every opinion given in Councell, or words suddenly or hastily spoken, they (who are borne to weild the great affaires of the Kingdome) should be arraigned and sentenced as Traytors.

Then they went to the twenty sixth Article and Charged thus :

Charge

Article 26

That the Lord Strafford, having by his wicked advices exhausted the Kings Treasury, did also Councell him :

First, To imbase the Coyne, by an assay of copper-money.

Secondly, To seize upon all the Bulloyn in the Mint.

Thirdly, That in discourse with some of the Aldermen, about that businesse, he had said, the City was more ready to countenance and relieve the Rebels then the King; and that the King of France did use to mannage such businesses, not by Treaties or Requests, but by sending forth his Commissaries to take Accompt of mens Estates, accompanied with Troopes of Horses.

The Proofes were.

First, Sir *Thomas Edwards*, who declared, that in discourse with the Lord Strafford, having remonstrated unto him, that their goods were seized on beyond Seas, because of the mony taken out of the Mint; he told him that if the Londoners suffered it, it was deservedly, because they had refused the King a small Loane of money upon good security, and that he thought them more ready to helpe the Rebels then the King.

Secondly, Mr. *Palmer* declared that he spake something about the

the King of France, but whether with relation to England or not, he did not remember.

Thirdly, Sir *William Parkise* attested in the same words, and withall that the Lord *Cottington* was then present, and could declare the whole businesse.

Fourthly, Sir *Ralph Freeman* declared, that in a discourse with the Lord *Strafford* hee had said that the servants in the Mint-house would refuse to worke the Copper mony, And hee replied, that then it were well to send those servants to the house of Correction.

They closed the Charge, *That by such nudutifull Councell and words, hee had given more then sufficient proofes of his Designe and purpose to subdue this Kingdome, and subvert the fundamentall Lawes, and priviledges of the same.*

The Lieutenants Reply.

First, That he had expected some proofes about the two *Straffords* first particulars, but did heare of none, and that it was no *Reply*. small disadvantage for him, to be charged with a great many odious crimes, by a booke printed, and flying from hand to hand, through the whole Kingdome, yet when they came to prove there should be no such thing layd against him.

Secondly, About the Speeches. Hee ingeniously confessed that some such thing might perhaps have escaped the dore of his lipps, when hee saw their backwardnesse to his Majesties service, and as the times were then conditioned he did not thinke it much amisse to call that faction by the name of Rebels, But yet hee thought hee had abundantly satisfied for that oversight, (if it was any) at Yorke: For having understood there that the City of London were willing to make a Loan of mony, he there before the great council of the Peeres, expressed himselfe to this sence, That the Londoners had sufficiently made up all their delays hitherto by their Act, that the King was obliged to their forwardnesse, and that hee himselfe should be as ready to serve them as any poore Gentlemen in England: About the othere words hee said, that being in conference with some of the Londoners, there came at that time to his hand a Letter from the Earle of Leicester, then at Paris, wherein were the Gazets inclosed, reporting that the Cardinall had given some such order, as to leavy

mony by forces, This hee said he only told the Lord *Cottington* standing by without the least application or intention concerning the English Affaires, *Cottington* being examined upon this, declared the same in the same manner.

Thirdly, To Sir *Ralph Freeman*, hee said, that his testimony did not concerne the Charge at all, nor did hee think any thing amisse in it, though he had said it; if the servants of the Mint refused to worke, according to directions they did deserve the house of correction, nor was it Treasonable to say the King might use that house for the correction of his servants, as well as any man in the City for theirs.

Fourthly, Hee said that there was no great likelihood that hee had committed reall Acts of Treason when his adverse party was content to trifle away so much time about words, neither was there any Treason in them, though they had beene fully verified, and therefore in that (as in all other Articles) hee reserved a power for his Councell to dispute in matter of Law.

Charge
Article 27

They went to the twenty seveneth Article and charged thus, *That immediatly after his appointment to bee Livetenant to the Army here in England, hee shewed what Principles of Arbitrary government lurked within his bosom, for by his own immediate authority, without and against Law, hee had layd Impost of mony upon the Kings Subjects, where they mention three particulars.*

First, That hee had imposed 8.d. per diem, upon the County of York, for enterteining the trayne Band there, one whole Moneth.

Secondly, That hee had sent out warrants for collecting the same, and threatned to imprison such as should refuse to pay.

Thirdly, That hee said that it was a Crime nigh to the Crime of high Treason, Not to pay the same.

Fourthly, They added that in his generall Replies, hee had brought two things for his defence, first, that this mony was freely and Voluntarily offered by those in Yorke-shire; secondly, that the great councill of the Peers had notice of the same.

To the first they answered that a petition was indeede preferred by the Yorke-shire men, and a Moneths pay offered, but that the Lord Strafford had refused to present the same upon this exception only, because in the same they had petitioned for a Parliament whereby hee evidently declared what little Inclination he had to that way.

To the second they appeald to all the Lords present whether any such order did passe, before the Councell of the Peeres at Yorke.

The Proofs were.

First, A Warrant issued by Collonell *Pennyman*, for this mony, and anorher by Sir *Edward Osborne*.

Secondly, Master *John Burrowes* who declared that he was a Clerke to the great councell but did remember of no order, and withall added that it might have passed at that time, when hee attended at Rippon,

Thirdly, Master *Danstan* who declared, that hee had known that mony Levyed by some Musquetiers.

Fourthly, By Sir *William Ingram* who declared that hee had heard the Livetenant say, that to refuse the same, came nigh to the Crime of high Treason.

They concluded the Chrage that by these particulars, *It was more then evident what unhappy purposes and trayterous Designes hee had to subdue this Kingdome, and subvert the fundamentall Lawes and priviledges.*

First, To the Petition, That it was a true Petition, drawn up by the York-shire Gentlemen, and as true that hee had refused to present the same, because of that clause about the Parliament, but the matter was thus; At his Majesties coming to York it was thought necessary for the defence of that County, to keepe the Trayned Bond on foote because the Enemy was upon the borders, and therefore the King directed him to write to all the free-holders in York-shire, to see what they would doe for their own defence. *Straffords Reply.*

The time and place were designed by the King, but the night before the meeting, a small number convented, and in a private and factious way, did draw up that petition; upon the morrow at their appointed Dyet, in presence of the whole number, the Petition was presented to him; where hee did advise them to leave out that clause, and that because hee knew the King out of his own gracious disposition had intended to call a parliament, which he desired should rather be freely done, then upon the constraint and Importunity of Petitions, more over it would seeme a mercenary thing in them at one and the same time to offer a benevolence, and withall

to petition for his favour upon this Remonstrance they were all willing to recall the Petition and directed him by word of mouth, to offer unto the King the moneths pay in their names which hee did accordingly, in the presence of fortie of them to their no small advantage.

This hee proved by Sir *William Pennyman*, Sir *Paul Neal*, Sir *George Wentworth*, Sir *William Savill*, Sir *Thomas Danby*, who all of them declared as much in ample termes, and withall added that nothing was done upon better grounds, of necessity and obedience then the offer of that money, and that they never had heard any man grudge against it to this time.

For the second, about the councill of peeres, hee alleadged that hee never made mention of any order of theirs, but hee remembered very well it was twice propounded before them, that the King had approved it at that time a Just and necessary act, and none of the councill had contradicted it, which hee conceived as a tacit approbation and an order in Equivalence.

But though that had not beene, yet there was nothing done in the businesse, but at the speciall desires of the Gentlemen themselves, & for their necessary defence & protection, yea though hee had done it by himselfe alone, yet hee conceived hee had so much power by his Commission, causing the Commission to that effect to bee read: That albeit he should mistake his Commission and doe some inferiour Act beyond it (because Military proceedings are not allwayes warranted by the Common Law) yet it should not be imputed as an Act of Treason to him.

And to this effect read a Statute of the seveneth of *Henry* the second.

To the Proofs.

First, Collonell *Pennyman*s warrant, or Sir *Edward Osbornes*, it nothing concerned him, and doubted not but these worthy Gentlemen could Justifie their own Act, and that he had enough to do to answer his own Misdemeanors.

Secondly, For Sir *John Burrowes*, hee was at Rippon when that Proposition was made.

Thirdly, That as the warrant, so neither the Execution troubled him at all.

Fourthly

Fourthly, For Sir *William Ingram*, hee was but a single testimony and that such an one too as hee could produce an evidence to testifie, he had mistaken himselfe in his testimony upon oath, if it were not to disadvantage the Gentleman.

Hee concluded that hee had done nothing in that businesse, but upon the petition of that County, the Kings speciall command, the connivence at least of the great councill, and upon a present necessity for the defence and safety of the County.

And so much for Wednesday.

Upon Thursday the Committee for the Charge, declared that they had done with all the Arricles, and were content to wave the last for reasons best known to themselves, only Sir *Walter Earles* added that hee had some observations to bring forth, upon the two and twentieth Article which he conceived might doe much, to prove the Lord *Straffords* designe for Landing the Irish forces in England.

Thursday.
Charge
Sir Wal-
ter Earles
Observa-
tions.

And they were.

First, That in his Commission hee had power to land them in Wales, or in any part of England, or in Scotland, which were all together superfluous unlesse there had beene some purpose for the same.

Secondly, That within two dayes before the date of the Commission, Letters were sent to the Lord *Bridgewater*, and *Pembroke* from Sir *Francis Windebanke* to assist the Earle of *Worcester*, in Levying forces for the Kings service, and these might bee supposed to have intended ajoyning with the Irish.

Thirdly, That the Lord *Ranelagh* as the raising of the Irish Army, did feare, such a Designe as this.

Fourthly, That the towne of *Ayre* in Scotland, where the Lord *Strafford* pretended he would land those forces, was fortified with a Bulwarke, a Garrison, and Block-house which would prohibit landing there, that the Earle of *Argiles* bounds were divided thence by the Sea, and that the Barr or entrie into the towne, was very dangerous and shallow.

The Prooves were only the reading of the Commission granted to the Lord *Straffords*

The Lievetenants Reply.

First that his Commission was the same *Verbatim* with Northumberland for England, and that it was drawn up by

the Councell board heere, and sent over unto him; So no more designe in him then in the Gentlemen of the English Army nor no larger then that was put upon him.

Secondly, That this was the first time hee heard of any such Letters, nor did they concerne him more then any of the House.

Thirdly, That hee was not bound to purge the Lord *Ranelagh* from all his feares, and that he had his own feares too- which God forbid should be evidence of Treason against any man, whatsoever.

Fourthly, That it seemed the Gentlemen had better Information from that Kingdome then himselfe, yet hee would be confident to say at Ayre, there was never such a thing as a Bloch-house or Garrison. But to remove all scruples, (for indeede the Roade or landing place is not there safe) hee declared that it was his intention to have landed some miles above Ayre, and made only his Magazine of that town.

To the Earle of Argle's bounds hee hoped the Gentleman knew, they came not on foot out of Ireland, but had shippes to waite and transport themselves and that one of his prime Houses (Rosneth) was within some few miles of the same frith.

The Lord *Digby* finding Sir *Walter Earles* on ground did handsomely bring him off, and told the Lords that all their proofs for that Arricle were not yet ready, that this was a Superfætation onely, of the charge, and that in such a businesse as the plotting of Treason, they must be content sometimes, with dark Probabilities.

*Glyn's charge
vitable
speech.*

Then Master *Glyn* desired the Livetenant to resume his defence, that they might give a repetition of their Charge, and so close the procelle so farre as concerned the matter of Fact.

*Strafford's
Reply.*

Hee replied that in his case all slacknesse is speede enough, the matter touched him narrowly, even in his life and estate, yea in that which hee esteemed above them both, his honour and his posterity, and therefore hee confessed hee had no desire to ride post in such a businesse, That hee knew the Gentlemen at the Barre, if they were in his case would think the time little enough, except their more able Judgement could sooner dispatch the matter in hand, And therefore hee humbly
intreated

intreated that that day might be granted to him for strengthening himselfe, and recollecting his thoughts and spirits, and to morrow he would be ready with his last Replies for himselfe, which after a little Ceremonie and contestation, was condescended unto by the House of Commons.

Upon Friday morning, about eight of the clock, the Litevtenant of the Tower, and my Lords chamber-Groome came to the Hall, and gave information to the House, upon Oath, that the Lord Strafford was taken with an exceeding great paine, and fit of the stone, and could not upon any conditions stirre out of his Bed. *Friday he was hindered from coming by a fit of the stone.*

Master *Glyn* Replyed, That it was a token of his willfullnesse, not his weakenesse, that he had not sent a Doctor to testifie the same. *Glyn gains.*

The Lord Steward made answer, that a Doctor could not be had perhaps so soone in the morning, nor was it possible for any Phisitian to give a certaine judgment concerning a mans disability by the Stone; Because there is no outward Symptomes that appeare.

Master *Glyn* excepted, That if he did not appeare upon Satterday morning, he should loose the priviledge to speake in his own defence afterwards, and they permitted to proceede.

The Lord Steward Replyed, that the Lords had appointed foure of their number to goe to the Tower and learne the just cause of his stay, and if by any meanes he were able, hee should be obliged to come then, if not, Humanity and common equity would excuse him.

' In the afternoone it was reported that he was dead, of which there can be no better reason given, then the Humor and Genious of the times, that dally with nothing other then untruths, and calumnies; And certainly there are many men of shallow understanding, and weake affections, who eyther will not; or cannot understand the Gentlemans worth, but out of fearefull and needlesse apprehensions, are so desirous to heare of his ruine any way, that their busie tongues will dare to anticipate the stroke of Justice. *Report of my Lord Strafford's death,*

Master *Glyn* proffers new proofes concerning the two and twentieth Article.

Upon Sterday morning he presented himselfe at the Barre, *Satte day.* where

where he expected nothing but repetitions of charges and defences, but meane while Master *Glyn* proffers some new proofes concerning the two and twentieth Article, which the noble Lord refused, alleaging the Proceſſe was closed; Master *Glyn* answered, the Proceſſe is not closed, as long as the buſineſſe ſtands unrepealed; And that it did not become a Priſoner at the Barre to preſcribe a Method of proceeding to the Houſe of Commons in England.

It was answered by the Lord Lievetenant, that he thought it ſtood him in-hand as neerely to maintaine his life, as it did any to purſue him for it, yet he was willing they ſhould bring in new proofes, provided that he might have time to make new Replies, and withall uſe ſome new witneſſes in ſome Articles, that concernes his juſtification.

The Lord Newark, upon theſe motions deſired the Houſe might be adjourned, after two houres ſtay, and a hot conflict among the Lords, they returned, and the Lord Steward commanded the Order to be read, which conſiſted of two Articles.

First, That it was granted unto them to bring in proofes concerning the two and twentieth Article, ſo it was to the Lord Strafford to make his Replies, and uſe his witneſſes concerning the ſame.

Secondly, That if they went to no more Articles, no more ſhould the Lord Strafford; but if they did, that hee might pitch upon any one Article as he pleaſed.

The Houſe of Commons preſently declined all other Articles, and conceived the Order expreſly for them, reſtrayned him from all other Articles, except that only.

He conceived the Order was for him, and ſaid, that ſeeing they had pickt out their Article, it was againſt all common Equity to tie up his hands, and not admit of a common rule for them both; They replied, that when the Article was canvafed they reſerved witneſſes till another time; Hee answered, that he had done the ſame upon every Article; They Replied that the Houſe had reſuſed his Reſervation; He answered, nor had they paſſed an Order for theirs.

Upon this new conteſtation the Houſe roſe again, and was adjourned. It is ſuppoſed that the Houſe of Commons had the better

ter ground, because they had particularly named their witnesses in their Reservation, The Lord Strafford not so, they pressed but one Article, hee many : But such was the pleasure of the Lords, that though the matter did not deserve to bee much stood upon, yet after two houres vehement agitation of the businesse in the upper House, they returned, and the Order was in his favour to this effect.

First, That both of them should wave their new proofes, and goe immediatly to that which followes.

Secondly, If they would not doe so, the Lords conceived themselves common Judges to both, and therefore would not deny Strafford the liberty of pitching upon what Article hee pleased, as they had done.

Thirdly, That both of them should name their witnesses at the Barre instantly.

The Commons were much grieved at this, yet desired him to nominate his witnesses, if he would make any benefit of the Order ; He answered that he would nominate after them, because they were first in order ; they replied that he knew their Article, they not his : He said he was to bring proofes about the second, fift, thirteenth, and the fifteenth Articles, and did desire them that they would now proceede to nomination.

But they told him they could not embrace the Order without advice of the whole House, then on a suddaine, a mighty noyse followed of the whole House, Withdraw, Withdraw, and was in so uncouth and tumultuous a confusion, that it produced both admiration and feare in the beholders, wherein we might easilie feele the pulse of a distempered State; both the Houses brake up, not appointing so much as the next Diet, each mans countenance spake anger and discontent, and nothing sounded in our eares all Sunday but terrors and affrightments, of a present division and breach between the two Houses ; That the House of Commons would declare him a Traytor, and all such Lords too, as were his adherents ; That hee should be no more heard in publike ; That (though parties and not Peeres) they would vote in his Sentence ; That a Bill of Attainder should presently be drawn up against him, and that nothing could content them but present execution, Big words flew up and down all Monday.

That whole day was spent in a conference betwixt the Houses

without any meeting in the Hall, but the Lords who had learned as seemes to force their owne ruine by his misfortune, and now conceive that Monarchy and Nobility are of such identitie, that one and the same is the diminutive of both (kept fast to their conclusion and would not passe from their Order, notwithstanding all the many dangers represented, so that the house of Commons were constrained, at last, to give way, and embrace the first part of the Order, by waving witnesses on both sides.

This hath beene no small discouragement to his Enemies, for a more reall Demonstration of his party amongst the Lords, could not have beene shewn.

Upon Monday, some of the Lords went so high in their heate, as to tell the House of Commons, that it was an un-naturall motion for the head to be governed by the tayle, That they hated Rebellion as bad as Treason, That the same blood that ennobled their Ancestors, did move also in their veines, and therefore they would never suffer themselves to bee suppressed by a popular faction.

After a great deale of storme all was (as well as might bee) soa-dered up againe, and Tuesday appointed to bee the day for the Lievetenant to resume his Defences, for then their Charge, without any more prooffe, to be used on eyther side.

Upon Tuesday the Lord Steward, at the entry told them the Lords had Ordered, that both their testimonies should bee waved, that they should proceede immediatly to what followed, so that that day might put an end to what concerned the matter of Fact.

The Lord Lievetenant Replied, That in all humility and obedience, he would submit himselfe to that or any other their Decrees whatsoever, though it should reach as farre home unto him as his owne life; but withall humbly begged, That if hereafter hee should be troubled (for they were to speake last) with new matter, or with supplementall Prooffe, hee might have leave to speake something in his owne Defence.

The Lord Steward answered, It is all the reason in the World.

The Lievetenant went on thus :

MY LORDS,

This day I stand before you Charged with high-Treason, the Burthen is heavie, yet farre the more, in that it hath borrowed the Patrociny of the House of Commons; If they were not interested, I might expresse a no lesse easie, then I doe a safe issue and good successe to the businesse: but let neyther my weakenesse pleade my Innocence, nor their power my guilt. If your Lordships will conceive of my Defences, as they are in themselves, without reference to eyther (and I shall endeavour, so to present them) I hope to goe away from hence as cleerly justified, as I am now in the testimony of a good Conscience, by my selfe: My Lords, I have all along my Charge watched to see that poysoned arrow of Treason, that some men would faine have to bee feathered in my hearr, and that deadly cup of wine, that hath so intoxicated some petty misalleged Errors, as to put them in the elevation of high-Treason, but in truth it hath not beene my quicknesse to discern any such Monster yet within my breast; though now perhaps, by a sinistrous Information, sticking to my cloathes: They tell me of a two fold Treason, one against the Statute, another by the Common-Lawe; this direct, that consecutive; this individual, that Accumulative; this in it selfe, that by way of construction.

*My Lord
Stratford's
last speech
in the Hall*

For the first, I must and doe acknowledge, that if I had the least suspicion of my owne guilt, I would spare your Lordships the payns, cast the first stone at my self, and passe Sentence of condemnation against my selfe: And whether it be so or not, I refer my selfe to your Lordships judgement and Declaration: You, and only you (under the favour and protection of my gracious Master) are my Iudges; under favour none of the Commons are my Peeres, nor can they be my Judges; I shall ever celebrate the providence and wisdom of your noble Ancestors, who have put the keyes of Life and Death (so farre as concerns you and your Posterity) into your owne hands, not into the hands of your inferiours: None but your owne selves know the rate of your noble blood, none but your selves must hold the balance in dispensing the same.

I shall proceede in repeating my Defences, as they are reducible to these two maine points of Treason; and for Treason against the Statute (which is the only Treason in effect) nothing is alleaged for that, but the fifteenth, two and twentieth, and twenty seventh Articles. Here he brought the sum of all his Replies made to these three Articles before, and almost in the same words as before; only that testimony of Sir *Henry Vanes*, because it seemed pressing, he stood upon it and alleaged five Reasons for the nullifying thereof.

First, That it was but a single testimony, and would not make Faith in a matter of Debt, much lesse in a matter of Life and Death; yea that it was expressly against the Statute to impeach (much lesse to condemn him) upon high-Treason, under the testimony of two famous witnesses.

Secondly, That he was dubious in it, and exprest it with an as I doe remember, and such, or such like words.

Thirdly, That all the Councell of eight, except himselfe, disclaime the words, as if by a singular Providence they had taken hold of his cares only.

Fourthly, That at that time the King had levied no forces in Ireland, and therefore hee could not bee possibly so impudent as to say to the King that hee had an Army there which hee might imploy for the reducing this Kingdome.

Fifthly, That he had proved by witnesses beyond all exceptions (Marquesse Hamilton, the Lord Treasurer, the Earle of Northumberland, Lord *Cottington*, Sir *William Pennyman*, and Sir *Arthur Terringham*) that there was never the least intention to land those forces in England. He went on.

So much for the Articles that concerne Individuall Treason.

To make up the Constructive Treason, or Treason by way of Accumulation; Many Articles are brought against me, as if an heape of Felonies or Misdemeanors (for in their conceit they reach no higher) some prolificall seede apt to produce what is treasonable, could lurke: Here I am charged to have designed the ruine and overthrow both of Religion and State: The first seemeth rather to have beene used to make me odious then guilty, for there is not the least prooffe alleaged concerning my confederacy with the Popish-faction, nor could there be any indeed; never

never a servant in Authority beneath the King my Master, was ever more hated and maligned by those men then my selfe, and that for an Impartiall and strict executing of the Lawes against them.

Here your Lordships may observe that the greater number of the witnesses used against me, eyther from Ireland or from Yorkshire, were men of that Religion : But for my owne Resolution (I thanke God) I am ready every houre of the day to seale my disaffection to the Church of Rome, with my deereft blood.

But, my Lords, give me leave here to poure forth the grieve of my Soule before you, these proceedings against me seeme to be exceeding rigorous, and to have more of praïjudice then equity, that upon a supposed Charge of my Hypocrisy or Errors in Religion, I should be made so monstrously odious to three Kingdomes ; A great many thousand eyes have seene my Accusations, whose eares shall never heare, that when it came to the upshot I was never accnsed of them, Is this fayre dealing amongst Christians ? But I have lost nothing by that : Popular applause was ever nothing in my conceipt, the uprightnesse and integrity of a good Conscience, was and ever shall bee my continuall feast ; and if I can be justified in your Lordships judgements from this grand imputation (as I hope now I am, seeing these Gentlemen have thrown down the Bucklers) I shall account my selfe justified by the whole Kingdome, because by you, who are the Epitomy, the better part, yea the very Soule and life of the Kingdome.

As for my Designe against the State, I dare pleade as much Innocency here, as in matter of my Religion : I have ever admired the wisdom of our Ancestours, who have so fixed the pillars of this Monarchy, that each of them keepe a due proportion and measure with other, and have so handsomly tyed up the nerves and sinnews of the State, that the straying of any one may bring danger and sorrow to the whole æconomy. The Prærogative of the Crowne, and the Propriety of the Subject, have such mutuall relations, this takes protection from that, that foundation and nourishment from this. And as on the Lute, if any one string bee too high or too lowly wound up, you have lost the Harmony, so here the excesse of

a Prerogative is oppression of pretended Liberty in the Subject, Disorder and Anarchy. The Prærogative must bee used as God doth his omnipotency, upon extraordinary occasions; the Lawes (answerable to that *potentia ligata in Creaturis*) must have place at other times: And yet there must bee a Prærogative, if there must be extraordinary occasions; the Propriety of the Subject is ever to bee maintained, if it goe in equall pace with this: They are fellowes and Companions that have and ever must bee inseparable in a well governd Kingdom; and no way so fitting, so naturall to nourish and entertaine both: as the frequent use of Parliaments: By those a commerce and acquaintance is kept, betwixt the King and Subject, these thoughts have gone along with me these fourteen yeeres of my publique employments, and shall God willing to my Grave; God, his Majesty, and my owne Conscience, yea and all those who have beene most accessory to my inward thoughts and opinions can beare me witnesse, that I ever did inculcate this; that the happinesse of a Kingdome consists in a just poize of the Kings Prærogative, and the Subjects Liberty. And that things would never goe well till they went hand in hand together.

I thanke God for it, by my Masters favour, and the providence of my Ancestors, I have an estate, which so interesteth mee in the Common-wealth, that I have no great mind to bee a slave, but a Subject: nor could I wish the Cards to bee shuffled over againe, in hope to fall upon a better Set: nor did I ever nourish such base mercenary thoughts, as to become a Pander to the Tyranny and Ambition of the greatest man living: no, I have and ever shall ayme at a fayre, but a bounded Liberty, remembring alwaies that I am a free-man, yet a Subject: that I have a right, but under a Monarch. But it hath beene my misfortune now when I am gray-headed, to bee Charged by the Mistakers of the times, who are now so highly bent, that all appeares to them to bee in the extreme for Monarchy, which is not for themselves: Hence it is that Designes, Words, yea Intentions are brought out for reall Demonstrations for my misdemeanors, such a multiplying glasse is a præjudicate opinion.

The Articles containe Expressions and Actions: My Expressions

pressions cyther in Ireland or England : My actions cyther before or after these late stirres (in this Order hee went through the whole Charge, from the first Article to the last, in an excellent Method, and repeated all the summes and heads of what was spoken by him before, only added in the twenty eighth Article) if that one Article had beene proved against him, it contained more weighty matter then all the Charge besides : And it had not only beene Treason in him, but also Vilanie to have betrayed the trust of his Majesties Army. Yet because the Gentlemen had beene sparing (by reason of the times) to insist upon that Article, though it might concerne him much, hee resolved to keepe the same Method, and not utter the least expression that might seeme to disturbe the happy agreement intended, though hee wished the same might deceive his expectation : only thus much hee admired, how him selfe, being an Incendiary against the Scots, in the twenty third Article, is now become their Confederate in the twenty eighth Article, or how hee could bee Charged for betraying New-Castle, and for fighting with the Scotts at New-bourne too, seeing fighting with them was no possible meanes for betraying the Towne, but to hinder their passage thither.

That hee never advised Warre farther (then in his poore judgement) concerned the very life of the Kings Authority, and the safety and honour of his Kingdomes : Nor saw hee what advantage could be made by a Warre in Scotland, where nothing could be gained but very hard blowes : For his part, hee honoured the Nation, but we wished they might be ever under their owne clymate, and had no desire they should bee too well acquainted with, the better soyle of England : But hee thought that Article had beene added in jest, or as a supernumerary, and he very little suspected to be reaoned a Confederate with the Scots, and wished (as he hoped it was) that every English-man were as free from the Imputation as himselfe [closing his Defence with this Speech,]

My Lords, you see what may bee alleaged for this Construction, rather Destructive Treason. For my part, I have not the judgement to conceive that such a Treason is agreeable either with the fundamentall grounds of reason, or Lawe; not
of

of Reason , for how can that bee Treason in the lumpe or masse, which is not so in any of the parts? Or how can that make a thing Treasonable, which in it selfe is not so : Not of Lawe , since neither Statute , Common-Lawe , nor practise, hath from the beginning of this Government ever mentioned such a thing ; and where , my Lords , hath this fire, without the least appearance of any smoake lien hid so many hundred yeeres, and now breakes forth into a violent flame to destroy me and my Posterity from the Earth? My Lords , doe wee not live by Lawes, and must we be punished by Lawes before they be made? Farre better were it to live by no Lawes at all, but to bee governed by those Characters of discretion and virtue that nature hath stamped in us, then to put the necessitie of Divination upon a man , and to accuse him of the breach of Lawe before it bee a Lawe at all. If a Water-man upon the Thames split his Boate by grating on an Anchor, and the same have a Buy appending to it, hee is to charge his owne inobservance, but if it hath none, the owner of the Anchor is to pay the losse.

My Lords, if this Crime which they call arbitrary-Treason, had beene marked by any discerner of the Lawe , the ignorance thereof should be no excuse for me, but if it bee no Lawe at all how can it in rigour and strictnesse it selfe condemne me : Beware you doe not awake these sleeping Lions, by the searching out some neglected Moth-eaten Records, they may one day teare you and your Posterity in peeces : It was your Ancestors care to chaine them up within the Baracadoes of Statutes be not you ambitious to be more skilfull and curious then youa fore-fathers in the Art of killing.

My Lords, it is my present misfortune, for ever yours ; and it is not the smallest part of my grieve, that not the Crime of Treason, but my other sinnes (which are exceeding many) have presented me before this Barre, and except your Lordships wisdoms provide for it ; it may be the shedding of my blood, may make way for the tracing of yours ; You, your estates, your Posterities lie at the stake. If such learned Gentlemen as these; whose tongues are well acquainted with such Proceedings shall be started out against you , if your friends, your Councell denied accessse unto you. if your professed enemies

mies admitted to witness against you, if every word, Intention or Circumstance of yours be sifted and alleaged as Treasonable, not because of a Statute, but because of a Consequence, or construction of Lawyers peeced up in an high Rhetoricall straine, and a number of supposed probabilities: I leave it to your Lordships consideration to fore-see what may bee the issue of such dangerous and Recent Precedences.

These Gentlemen tell me they speake in defence of the Common-wealth, against my Arbitrary Lawes, give me leave to say it, I speake in defence of the Common-wealth, against their arbitrary-Treason, for if this latitude be admitted what praïjudice shall follow to King and Country, if you and your Posterity, bee by the same, disenabled from the greatest affaires of the Kingdome; for my poore selfe, were it not for your Lordships interest, and the interest of a Saint in Heaven who hath left me here two Pledges on Earth, [At this his breath stopt, and he shed teares abundantly, in mentioning his wife, which moved his very Enemies to Compassion] I should never take the paines to keepe up this Ruinous Cottage of mine, it is loden with such infirmities, that in truth I have no great pleasure to carry it about with me any longer: Nor could I ever leave it in a better time then this, when I hope the better part of the World would perhaps thinke, that by this my misfortune I had given a testimony of my Integrity to God, my King and Country: I thanke God, I count not the afflictions of this present life compatable to that glory, which is to be revealed in the time to come.

My Lords, My Lords, My Lords; Something more I had to say, but my Voice and Spirit faile me, only I doe in all humility and submission cast my selfe down before your Lordships feete, and desire that I might be a Pharos to keepe you from Ship-wrack; doe not put such Rocks in your own way, which no prudency no circumspection can eschae or satisfie, but by your utter ruine; and whether your judgments in my Case (I wish it were not the Case of yee all) be eyther for life or death, it shall be righteous in my eyes, and received with a *Tedemus Landanini*, (and then he lifted up his eyes and said) *In te Domine confido, ne confundar in aeternum.*

‘ This hee spake with an Imitable life and grace, you have
 ‘ his very words as neere as I can remember, only with
 ‘ so much losse and detriment as hath perished by transcri-
 ‘ bing the Coppy from his owne mouth, But you desire im-
 ‘ partialitie, and indeede you have it, and with some graines too
 ‘ of allowance, for I was so affrayd of my own affection to the
 ‘ Gentleman, that I rather bowed to the other extremity, and
 ‘ therefore have set down his defences rather to his disadvantage
 ‘ by my rude pen, then in the native colour, to his eternall glory,
 ‘ and the Confusion of his Enemies.

The Repetition of the charge did not spend much time, they
 proceeded orderly Article by Article, in the very same
 words and matter as before, only there were some remark-
 able flashes that passed from Master *Glyn* (who was the man)
 in the time of their handling.

Hee told them that hee should represent the Lord *Strafford*
 as cunning in his reyls as hee had beene crafty in his Actions,
 that hee waved all that was materiall, and insisted only upon
 the Secondary Proofs, that it was more then evident throughout
 all his charge how hee had endeavored to bring in an Arbitrary
 and Tyrannicall forme of Government over the lives, the lands,
 and liberties, of the Kings Subjects, yea had exercised a tyrany
 over their consciences too, by the oath administred in Ire-
 land, and though his Malicious Designes had taken no effect,
 yet no thanks to him, but to the goodnesse of the King and the
 Vigilancy of the Peeres, had they pleas’d, it had beene too late to
 have punished him, for no rule of Law had beene left whereby
 to Censure him, after the death and expiration of the Lawes,
 And if the Intention of *Guido Faux* might be thought Treason,
 though the House was not blown up, then this Intention of his
 may admit the same censure.

He closed, that throughout all his defences hee had pretended
 either warrants from the King, or else the Kings Prærogative,
 and what was this else but to draw up a cloude, and exhale the
 Vapour for the eclipsing of the bright Sonne, by the Jealousies or
 Repinings of his subjects; if the strength of his piety and Justice
 should not dispell all these mists and send them down to their
 originall. That the very standing and falling of these three King-
 domes stood upon this Proceffe, All of which doe conceive their
 safety

safety so farre intressed in his just punnishment, that no settling of their peace or quiet could bee expected, without this, that they hoped the Law should never protect him, who had gone about to subvert all Law; Nor the Nobility (who had the same blood moving in their veines) by submitting themselves to his base Tyranny, loose that priviledge and liberty, which their Ancestors had bought with their dearest lives. Though there was no Treason for his Stat. was it the lesse Monstrous? For there was none for so many hundreds of yeares that durst ever adventure upon such Insolencies, to occasion such a Statute: And were not the fundamentall grounds, and rules, and government sufficient to rise up in Judgement against him; without the making a particular Statute: This hee said hee left to the dispute of the Law and concluded, That seeing they had found out the Jonah who these many yeares had tossed and hazarded the Ship of the Common-wealth, with continuall stormes and tempests, there could no calmes bee expected, but by casting him out into the Seas, which in all justice they must and doe expect from their hands, who are intrusted by the body of the Kingdome to doe the same. The Aggravation of the offence hee said, hee had left to Master *Pym*, who here spake that Speech which is now in Print.

‘ It was a sport to see how Master *Pym* in his Speech was fearefully out, and constrained to pull out his papers and read with a great deale of confusion and disorder, before hee could recollect himselfe; which failing of his Memory was no small advantage to the Lievetenant, because by this meanes, the house perceived it was a premeditated flash, not grounded upon the Lievetenants last answer, but resolved on before, whatsoever hee should say for his own justification, but the Lievetenant was not suffered to Reply a word either to *Glyn* or *Pym*. Because the last word must bee theirs. And so with Tuesday ended the matter of Fact.

On Thursday the dispute in Law is expected.

Upon Wednesday wee were bigg with expectation for the matter of Law, having done before with the matter of fact, but it seemes the house of Commons had perceived a great Defection of their party, and a great increase of the Lord *Straffords* freinds, in both the houses occasioned by his insinuating, honest

and witty defences, and therefore they resolved of no more hearing in publique, therefore it was thought upon by his accusers to draw up a Bill of attainder, and present the same to the Lords, whereby first the matter of fact should bee declared to have been sufficiently proved, and then in the matter of Law that hee had incurred the censure of treason, for intending to subvert the fundamentall Lawes of the Kingdome, for though (said they) hee cannot bee charged by Letter of Statute of the twenty fift of *Edward* the third. yet he is within the compasse of the *Salvo*, whereby it is provided that the King and parliament hath power to determine what is Treasonable and what not, and that they were confident the Lords would ratify, and approve of this Bill of theirs and give Judgement accordingly.

The motion was stoutly opposed by three great Lawyers (all members of the House) *Seilden*, *Holborne* and *Bridgman*, who made it manifest that the *Salvo* 25 of *Edward* 3 was repealed and that no man could now be convict of Treason, but by the Letter of that statute: Bnt being put to voice it was carryed for the Bill, and a Committee appointed for to draw it up.

This gave occasion of much talke abroad and they who were otherwise the Lord *Straffords* enemies could not finde equity enough in the Bill of Attainder. Some could not conceive what difference Imaginable was betwixt the Bill and the Charge, presented before, for in the Charge hee was accused of Treason; and the Bill (though they had no Legislative power;) seem'd nothing but an Affirmation of the same. Others (who would have the Bill understood of a Definitive sentence, because it was consecutive to the proofs) were not satisfied but that it was against all practice, that the Commons should give sentence upon the death of a Peere And that it was against Common equity too; that the party accusant should give the Judgement. if the complainers were admitted to bee Judges; A third sort gave it out that this was no Sentence against the Lord *Strafford* but only a passing of a new act of Parliament about a matter not hitherto declared Treasonable, but yet these doubted that by declaring the matter of fact, to bee approved, and applying the censure to it, in reference to the Lord *Strafford* it would ever be thought a Sentence against him, to blemish his own
fame

fame and the blood of his posterity; More over that if they were about to make an new act, it were strange to punish a man for the breach of such a Statute as was not yet extant in *Rerum natura*, which should in reason referre only to future obedience, And (what is more strange) though there were a new Statute; yet by what Authority the Parliament hath or could decline any Individuall or Accumulative Act which is allready to bee Treasonable, which must bee Treason by virtue of a Statute; or else no Treason at all; now there is none can bee brought except the twenty fift of *Edward* the third whereof the Letter of that Statute cannot by their own Confession, nor was not so much as once alledged against the Lord *Strafford*; and for the *Salvo* or proviso (which they mainly insisted on) the same stands repealed by two posteriour Acts of parliament.

You have the Mutterings of all sorts of People.

The Lords fearing the proceedings as a beaten path troden out to the ruine of their own Lives and Estates, told the house of Commons in their conference upon Thursday that they would go on the same way they did already, and according to the order of the house give full audience to the Lord *Straffords* counsell in matter of Law, and that they themselves, as competent Judges, would by themselves only, give Sentence in the cause, nor was there any course suteable to the practice and Stat. of the Kingdome, the safety of the Nobility. or to Equity or Common Justice.

It was replied by them of the lower House, that they were resolved to go on with their Bill, and if the same should bee rejected by the Lords, they feared a Ruptture and Division might follow, to the utter Ruine and Desolation of the whole Kingdome, that no content would be given to the subject, (And this was a strange Argument indeed, yet better becomming partiality and violence, then the pretended Justice and Piety of the times) unlesse the man who had so much intruded vpon their right, and discontented the people, might bee punished, as a Traytor; And for the practice of the Kingdome, that no man had ever found such a Favourable hearing, and that the Proccesse against Essex, Norfolk, and Somerset, were all of them closed up in one day.

Upon Friday the Lords gave answer that they could expect

nothing from the House of Commons, but what should tend to the peace and Preservation of the Kingdome, nor was there a more forceable way then to preserve the Lawes and Customes thereof, least innovation so much complained of by them, might unhapply be found among themselves, that the subjects should have all that Justice could afford, but that an act of Injustice would never give satisfaction to the world, nor safety to themselves; the eyes of all forraigne States being fixed upon the businesse now in agitation, and the wisdom of our Nation either to bee much advanced or depressed by their Judgements in this case; That the processe against Norfolk and Essex, (for Somerset was convict only of felony and had not so much Animadversion to save himselfe by his Booke) were for Direct and formall Treason, comprised in one or two Individuall Acts but this against the Lord *Strafford* only Arbitrary and Accumulative, to bee pickt out of the twenty Articles. And therefore that it was impossible to have a full examination of them all, to give Sentence against him; And those noble men were charged with some Actuall breach of Statutes, formerly made, but heere a new Staute was to be made or else hee to bee found guiltlesse, They concluded that they had given order for his appearance on Saturday, And that in the great Hall at Westminster where the House of Commons might if they pleased bee present.

After some deliberation with the House, the Conferrers answered, that since the Lords had so resolved, they should not deny to bee there present, and to heare what his Councell could say for him, but to reply any more in publique they neither could nor would, because of the Bill already past, only if the Lords should take any scruple in the matter of Law, they would bee ready to give them satisfaction by a private Conference, (so they willingly declined to doe what indeede they could not possibly doe) that is, to give publique satisfaction in the matter of Law.

Upon Saturday they convened in the great Hall, but they that were of the Committee, for the great charge did not stand at the Barre, as before, but sat promiscuously with the rest of their fellowes, so that a mouth was not opened in the behalfe of the House of Commons, all that day : After they

were set, the Lord Steward told the Lievetenant, that the Lords had resolved to give him a faire hearing in the matter of Law, And therefore desired that the counsell might keepe that distance, Moderation and respect, to the Judicatorie, that was fitting, and not at all to meddle with the matter of fact.

The Lievetenant Replyed, That in all humility hee did acknowledge that favour from the Lords, and that it was such an one too, as hee could not but expect from such Honourable Peeres, and Just persons, in whose integrity and goodnesse, (under that which hee had placed above) hee had reposed his chiefest confidence; for his counsell they knew much better then himselfe, what concerned the point of Discretion and Reverence, and that hee doubted not but that they would give all satisfaction and obedience.

*Then his Councell were called to the Barre;
Master Lane the Princes Attourney,
Master Gardiner Recorder of London,
Master Loe, and Master Lightfoote:
Master Lane spake, and much to this
Sence and Purpose.*

My Lords there is an heavy Charge lyeth on me and my fellowes, nothing lesse then to defend the life, the estate, the Reputation, yea the posterity of this Honourable person at the Barre. If therefore wee shall bee more pressing we hope your Lordships will interpret this our forwardnesse to bee for Honour and Conscience sake, in a matter that concerneth both so neerely; But it shall bee our endeavour to carry our selves with our best respects to your Lordships, and withall content and satisfaction to the honourable House of Commons, and because your Lordships mentioned the matter of fact, one thing I dare bee bold to say, that all the time of this Noble Lords defences, hee did not so much as crave any one of our opinions, yea or acquainted us with any thing that tended that way

way : And for the matter of Law, those Statutes cited by himselfe, were none of our stock, but taken up at his own adventure; Nor doe I speake this to derogate from the pertinency of those Statutes (for they shall be the subject of my discourse) but that the Noble-man be not disappointed of your right conceptions, and his own due praise.

My Lords, It is your pleasure we meddle not with matter of Fact, and indeede we neede not meddle at all with it, because we hope it is already done, and that sufficiently to our hands, yet the matter of Law doth so naturally arise out of the matter of Fact, that of necessity (under your Lordships favours) wee must somewhat grate on this, if we speake of that, nor doe I conceive it possible for us to speake advantageously enough for the Lord Straffords iust defence, unlesse the whole matter of Fact be determined, cyther as proved or not proved, or at least some states of questions agreed upon, where we may fixe and settle our Agreements, and therefore it is my Lords, that I have chosen not at all to touch the matter of Lawe (untill your Lordships shall be pleased to chalke me out a way) unlesse it be to cleere your judgements in one Statute only, viz. 25. Ed. 3. because when the same was alleaged by the Lord Strafford in his own Defence, that not being convict of the Letter thereof, he could not be convict of Treason : I remember the *Salvo* of that Statute was much insisted upon by those from the House of Commons, as much conducing to their own ends. My Lords, I will first speake of the Statute it selfe, and then of its *Salvo* or Provision : The Statute is, (That if any man shall intend the death of the King, his Queene, their Children; Kill the Chancellor, or the Judge upon the Bench, imbase the Kings coyne, or counterfeit the broad Seale, &c. hee shall be convicted and punished as a Traytor) that the Lord Strafford comes within the Letter of this Statute is not so much as once alleaged, nor indeede it cannot bee with any reason, All that can be said is, that by relation or by Argument *a minore ad majus*, he may be drawn thither, yet that this cannot bee, I humbly offer these considerations.

First, This is a Declarative Law, and such are not to bee taken by way of Consequence, Equity or Construction, but by the Letter only, otherwise they should imply a contradiction to them-

themselves and be no more Declarative Lawes, but Lawes of Construction, or Constitutive.

Secondly, This is a pœnall Lawe; and such (if our grounds hitherto unquestioned hold good) can admit of no Constructions or inferences, for pœnalties are to perswade the keeping of known Lawes, not of Lawes conjecturall, ambiguous, and by consequence, which perhaps the most learned may not in their disputes question, much lesse the Subject (who is not obliged to interpret the Statute) doubt of in the point of obedience, yea rather without any doubt, hee is to obey the Letter of the Statute, and conceive (and that truly) that hee is not lyable to the Pœnalty.

Thirdly, we have a notable Lawe 13 *Eliz. Cap. 2.* whereby it is declared, that the bringing in of Bulls from Rome, to stirre up the Subject to Mutiny and Rebellion, shall bee punished as Treason: Now if by interpretation or by consequence, this sence might have beene thrust upon the præceding Statutes, the making of this had beene superfluous, yea the Persons then charged with that Crime, might have beene impeached of Treason, even before the making of this Act.

Anno 21 of Ed. 3. Wee have a Statute declaring, That for a servant to kill his Master, is an Act of Treason, and in the three and twentieth yeere of the same King, a Proesse of Treason was framed against a man for killing his Father, grounded upon the same Argument *A minori ad majus*: But it was found (and the Sentence is yet in the Records) that although in the 21 yeere of *Ed 3.* that Argument might have beene admitted, yet in the 27 it could not, by reason of the Declarative Lawe interveining in the 25 yeere, and this Case comes very home to the point in Lawe.

My Lords, I will not demand what kinde of offence it may be, for a man to subvert the fundamentall Lawes of a Kingdome, the Crime doubtlesse is unnaturall and Monstrous, and the punishment must keepe the same proportion, only I presume to offer these few things to your Lordshipes considerations.

First, That one or more Acts of Injustice, whether maliciously or ignorantly done, can in no sence of Lawe be called the subversion of the fundamentall Lawes; if so, as many Judges (perhaps) so many Traytors, It is very incident to mans nature to

erre, nor doth the Lord Strafford pleade his innocency in over-
sights, but in Treason.

Secondly, I doe remember the Case of *John de la Poole*, Duke of Suffolke, this man in the twenty eight of *Henry* the sixt, was Charged by the house of Commons, with Articles of Treason, and those too very like to these against my Lord Strafford.

1. That he had given the King bad advices.
2. That he had embased his Coyne.
3. That he had cessed men of warre.
4. That he had given out summary Decrees.
5. That he had Imposed Taxes.
6. That he had corrupted the Fountaines of Justice.
7. That he had perswaded the King to unnecessary warre, and to the giving over of Anjoy in France, *Omnino Ova*.

And for all these, though he was charged with high-Treason, for wronging the right of the Subject, and subverting the fundamentall Lawes of the Kingdome, yet after a long Agitation, the matter was found by the Lords of Parliament, not to imply Treason, but only Felony. Add to this another, who in the twenty third of *Henry* the eighth, was Charged for subverting the English Lawes, and yet no Treason Charged upon him. Add to both the Charge of *Richard Larks*, pleaded at the Common-Pleas, who was Charged with Treason, for subverting the Lawe, but convicted only of Felony, by which you may see, My Lords, what to this time hath beene subverting the Lawes.

Thirdly, It is very considerable, that the Lord Strafford is not Charged to have subverted, but only to have intended to subvert the fundamentall Lawes; and this I conceive, if there were no more, might keepe him free from that Statute of the twenty fift of *Edward* the third: For although as touching the King, his Queene and Children, intention is treasonable; yet in all other things there mentioned, there must be action beside intention, for it is not said, if a man doe intend to kill a Chancellor, it shall be Treason, but only if he doth kill him; and if he doth actually counterfeite the broad-Seale, And although a man should prepare a Furnace, make ready his Stampe, melt his Bullion, yet if he gives not the Kings impression upon the Coyne, all his intentions, yea, his preparations will not serve to make up a Treason.

And

And this (under favour may serve to answer the Case of *Guthrie Faux*, lately objected, unlesse it be alleaged that the Lord *Strafford* had as reall an intention against the Kings life as *Faux* had, : For though the intention in that Case be Treason by the Statute, yet in all other things there is no Treason without the Action, so immense and vast a difference both is, and ought to be, betwixt a project against the Royall-blood, and all things else of a lower and under nature.

Yee see therefore my Lords, that the body of the Statute cannot stick against the Lord *Strafford*, neither in Letter, nor in consequence; this is not, that must not be; all that can be said is, that his Fact may be Treason by the Common-Lawe : For my part I professe my ignorance, who ever thought the common-lawe might declare, but never make a Treason, that is; It might bee presupposed that there is a Statute whereupon to build a Declaration, and therefore to say there is no Statute for it, is to say it is no Treason at all. The Statute ever makes the Treason : and to be declared to be Treason, either by Common-Lawe, or by Parliament, are but two different waies of Proceedings, and must both resolve into one Principle, yea, which comes home to the point, in the one and twentieth of *Edward* the third, To kill a man imployed in the Kings Warre was Treason, and the twenty third, To kill the Kings Messenger was Treason by Declaration of the Common-Lawe, but alwaies by reason of the Statute, yet none of these are now Treasons but Felonies only, by reason of the interveining Statute the twenty fift of *Edward* the third, such hath ever beene thought the force of its Letter and Declaration; And so I will leave it, and speake a word or two of the *Salvo*, which is this. That because all Particulars could not bee then desired, therefore what the Parliament should declare to be Treasonable in time to come, should bee punished as a Treason.

And according to this Reservative, in the eighth yeere of King *Richard* the second, one was Charged before the Kings Bench, was afterward referred to the Parliament, and there, though the Fact was not contained in the body of the Statute, yet because of the Proviso afore mentioned, it was adjudged Treason.

In the eleventh yeere of the same King, the Duke of Ireland,

and *Nevill* Arch-bishop of *Yorke* were impeached of high-Treason, by *Gloucester*, *Arundell* and *Warwick*, and notwithstanding the Statute, were convicted thereof by the *Salvo*. But in the one and twentieth of the same *Richard* the second, the tide turned, and the King had such a hand with the Parliament, that the Sentence was recalled, and those three Noble-men themselves adjudged Traytors. Again in the first of *Henry* the fourth his Successor, that Revocation of the one and twentieth of *Richard* the second was repealed, and the Sentence of the eleventh of his Reigne established; such were the tossings too and fro of Treason, and all because of that uncertain *Proviso*.

Therefore it was that in the same Parliament, the first of *Hen. 4* A Petition was preferred by the Nobility, to have Treason limited within some Statute.

Because they knew not what to speake or what to doe, for fear thereof, And in the tenth Chapter an Act was made, upon this Petition, that that *Salvo* should be holden Repealed in all times to come, and nothing esteemed Treason but what was Literally contained in the Statute of the twenty fift of *Edward* the third, and therefore it is said in the Records, That there was great joy at the making of this Act, in that the drawn Sword hanging over every mans head, by this slender thred of a consequence, or illation, was moved by that Act. Add to this, that in the first of queene *Mary*, the first chapter, the same is repeated, That no man shall be punished in life or estate as a Traytor, but for the Crime contained in the Stat. 25 *Ed. 3*, without the least mention of a pretended *Salvo*.

The Earle of Northumberland's Case comes nigh to the point, he was Charged with Treason, the fift of *Henry* the fourth, and if the Statute of the first of *Henry* the fourth, the first Chapter, whereby this *Proviso* is Repealed had not interveend, no doubt he had beene condemned of Treason, but he was only convict of Felony, and that because he could not be drawne within the Letter of the Statute of the twenty fift of *Edm.* the third, And I dare confidently say it, that since that Act was made, the first of *Henry* the fourth, the first chapter, whereby the *Proviso* is Repealed, no man hath ever beene declared a Traytor, cyther by King or Parliament, except it were upon that or some other Statute, literally, and declaratively taken. These two things I doe offer to
your

your Lordships considerations : That the Lord Strafford cannot be impeached of Treason by the Statute of the twenty fift of *Ed.* the third , and that the *Salvo* contained in the same , stands Repealed almost two hundred yeeres agoe, And this is all I conceive to be necessary for that Statute which was alleaged by the Lord Strafford in his Defence for matter of Fact.

Then the Recorder spake some few words to this purpose, That *The Recorder.* what was spoken upon the Statute ; was because it seemed inseparable from the matter of Fact , that they could proceede no further till a State were afforded them , that to doe otherwise they conceived might bee very pæjudiciall unto my Lord Strafford.

First, In that they should suppose that to be done, which is not proved to be.

Secondly, That the matter of Law ariseth so naturally from the matter of Fact that it will be impossible to separate the one from the other.

Thirdly, That it is the course of all Judicatories , first to settle the Verdict, and upon that to fixe the Arguments, otherwise he could conceive no possible way of proceeding. And therefore, in the Lord Straffords name, he most humbly intreated, that the Lords would either wholly determine the matter of Fact (or whether Treason or not ; for then all other proceedings in Lawe were unnecessary, but whether done or not done) or else to give them some States of the question whereunto they might confine themselves.

‘ Upon this motion the House was adjourned for that day, nor hath it met since, for the House of Commons are turned to their old bias, and will heare of nothing but the Bill of Attainder, but the Lords seeme to be more resolute then before, because they finde that they have no Authority to declare a Treason in a fact already past, the *Salvo* of the twenty fift of *Edward* the third being Repealed, withall that if the Bill of Attainder should proceede, the King hath as great power to hinder that at the last blow as any other Stat. but I hope the Lords will disburthen him of that envie.

‘ All they which stand obliged to the Lord Strafford, in blood affection, or deserving, and all who have beene interessed with him in the Kings service, and many too, who both hate his per-

'son and dislike his proceedings, will doubtlesse looke to it, and
'render their owne safety, all of them in likelyhood being subject
'to the Charge of Treason if ever they chance to be called to doe
'the King service in any place of importance.

'I cannot expresse how much the voice of the multitude is
'now altered from what it was lately, nothing now talked of
'what should be done, but only of what must bee done: so that
'if the Lord Strafford dies, his very enemies will confesse that it
'is done more for necessity then for Justice, and rather for the
'satisfaction of rancorous apprehensions, then for any guiltinesse
'in the Cause.

Thursday. Thursday last (*viz.*) *April* 29. was designed for the Agitation of the long intermitted busines concerning the Lievetenant, And the way was this,

The formality of a conference. The Lords did meete at the great Hall at Westminster, about nine of the clock, not in their Robes, nor did the Lord Steward sit upon his sack, but with the rest promiscuously, nor did the Committee for the House of Commons, stand at the Barre, but sat with the rest of their fellows, and the Earle of Strafford sat behinde the place where he used to sit before, The reason of these changes were, because the Diet was appointed, not for a meeting but for a Conference, so curious are we (and that's all) about formalities: The King Queene and Prince were there, according to their custome, not a man spake a word in the house all the time, but only Master *St. Johns* the Kings Sollicitor, one of the Committee, whose drift and purpose was to furnish the Lords with reasons why the house of Commons had proceeded with a Bill of Attainder: And withall to reply to what the Lord Strafford had spoken, eyther by himselfe or his Councell, in matter of Lawe.

The Speech is in Print.

If it were not without my Sphere to give my opinion of Master *St. Johns* speeck, it should be this, That he spake little or nothing to purpose, except in his fift or sixt Arguments, and in them, I beleeve without his booke, if not, I should conceive it better and safer to live under the Lawes of any other Nation then these of England, where all Law is, at last, resolved into an Arbitrary power, and that by these very men, who so much elsewhere enveigh against it: Of the Presidents which seeme to pinch

pinch hardest) many of them were since the Proviso Repealed (which is an Argument, in my apprehension of the pleaders Penurie) others nothing to purpose, as that of Felony, &c. to the other few, if Lawyers, can give satisfaction; I am confident Master *St. John* did rather advantage then hurt the Earle by his pleading.

The next newes which we expect to heare is, with what Resolution he went out of this World, for it is concluded amongst the major part of his Judges, that one must die for the People, it were well if the blood of one two or three could satisfie The Bill, for certaine, is past the higher House, to which 'tis thought the King will be perswaded to give way: The Scaffold is built upon the Tower Hill, God grant him mercy for his other sinns, and I hope he will easily answer that of Treason; He dies, as we heare, upon the twenty third Article, for the words attelted by Sir *Henry Vane*, though his Majesty publicquely protested the words were never spoken by him.

Upon the close of Master *St. Johns* speech the House dissolved, nor was there a word spoken but by Master *St. Johns*, only the Lord Lievetenant used the last part of his Rhetorique, and by a dumbe eloquence, *Manibus ad Sydera tensis*, all along Master *St. Johns* speech, made his Replies with a deepe silence.

Upon Friday he Petitioned the Lords to be heard againe, and that because his Lawyers had not fully spoken at their last meeting, but this was denied him, because the House were to have the last speech, nor were they content to speake againe.

Upon this information, or what else is not knowne, the King it seemes fearing the inconstancy of the Lords) came to the House on Saturday, at ten of the clock, and having called for the House of Commons spake much to this effect.

THAT Hee had sincerely, without Affection The Kings speech to the House of Commons. or Partialitie endeavored to informe himselfe concerning the Lievetenants Charge; and had, at length seriously pondered with himselfe both concerning the matter of Fact, and the matter of Law;
And

And now it stood him in hand to cleere their judgments ; then to exonerate his own Conscience : For them, Hee had two things to declare.

First, That there was never such a project, nor had the Lord Strafford ever offered such advise, for the transporting of the Irish Army into England ; so that in nothing the Livetenant had beene more misunderstood then in that : Which imputation did, in no small measure, reflect on himselfe (the King) as if he had intended to make War upon his own good Subjects, which thought (he said) was farre enough from his brest ; nor could any man in probability thinke so unworthily of him, who had perceived how graciouly he had dealt with his Subjects elsewhere, that had deserved a great deale worse.

Secondly, That the Lievetenant had never advized him to establish an Arbitrary Government ; nor, if he had, should he have escaped condigne punishment ; nor would any of his good Subjects ever think otherwise, unlesse they conceived him either to bee a foole or a Tyrant ; that he either could not, or would not discern such wicked-

wickednesse Hee was well content (hee said) with that Authority and Power which God had put into his hands; nor should he ever thinke it his Prærogative to intrude upon the propriety of the Subject.

For himselfe and his own Conscience (hee said) he was now to Declare; That in his own judgement there was nothing in the Proesse against the Lieutenant that deserved the censure of Treason: Oversights and Mis-demeanors there were, in such a measure, that he confessed the Lord Strafford was never worthy hereafter to beare any Office in his Kingdomes, no not so much as of a Constable; but was to be answerable for all his Errors when they were to be charged upon him; and to this none of them should concurre with greater alacrity then himselfe; That he hoped none of them would deny to give him the privilege of the first Voice, which was That he would never, in heart nor hand, concurre with ibem to punish this man as a Traytor, and desired therefore that they would thinke of some other way how the businesse might be composed; Nor should it ever be lesse deere to him (though with the losse of his deereft blood) to protect the Innocent then to punish the Guilty.

' At this the House of Commons startled , and adjourned
 ' themselves till Monday , divers censures are Past upon the
 ' Kings speech , even of those that love his honour, some
 ' thinke hee was drawn to this by a certain fore-knowledge
 ' of the Lords facility to give way to the Commons, and that
 ' it was better to expresse themselves then , (if by that meanes
 ' hee could hinder the sentence) then to countermand the
 ' Execution thereof when it was passed , and so draw all the
 ' envie upon himselfe , others are of opinion (which is more
 ' probable) that this hath beene a plot of the Kings bosome
 ' enemies , to set him at ods with his subjects , that thereby they
 ' might fish the more securely in these troubled waters. The
 ' reason is , because it is very likely the Lord *Strafford* might
 ' have passed free by the voices of the Lords , but now howsoe-
 ' ver the matter falleth out, all the blame will be imputed to
 ' the King, for if hee bee condemned , it will bee no thanks to
 ' the King; if Justified, that will certainly bee layed to the King
 ' too , as who by his threats and menaces hath forestalled the
 ' voyces of his Nobility ; It is conceived by wise men (and
 ' such as wish no evill to my Lord *Strafford*) that it had beene
 ' farre better both for the King and him : to have first try-
 ' ed the utmost of the Lords ; for the King, because it was both
 ' possible and probable that hee might have gayned the Decla-
 ' ration of the Lords for him , If not , it was time enough to
 ' Interpose his own power afterwards ; for the Lord *Strafford*,
 ' because it hath made the House of Commons a great deale the
 ' more pressing, fearing by the Kings Peremptorie answer
 ' (from whom in regard of the advantage of the times ,
 ' they expected nothing but a *Concedimus omnia*) that there is
 ' some plot under hand. And these thoughts produced the late
 ' tumults of the Londoners of which more by and by , And it
 ' is verily thought that for these two reasons the Lievetenants
 ' seeming friends, but indeede Reall enemies, have put the King
 ' upon this way hoping thereby that the Lords should finde
 ' occasion to pretend necessity of doing that , which perhaps
 ' in regard of common equity , or the Kings displeasure they
 ' could nor darst have done , howsoever *Falsa est alia* , the
 ' King is now so farre engaged , that with respect to honour
 ' and conscience hee cannot retire, for if the Procedure bee
 by

'by a legislative power, It falls directly upon him; nor can
'hee give his assent, If by a Judiciary, then must hee either hinder
'the execution, or bee sayd to have Charged himselfe with In-
'justice.

'This hath produced Strange alterations, even the marriage
'of the Prince of Orange, (done on Sunday last, May the second,
'with ordinary Solemnity) is now exceedingly hatefull to the
'Commons, which so much before desired it; some say the
'Præcipation of that marriage Imports no good; others that
'the Parliament had condiscended to that marriage, but did not
'expect that Acceleration; a third sort, that the party is
'meane enough if not too lowe for the King of Englands
'eldest Daughter, All of them; that the Dutch-men have offe-
'red mony to the King for a new service of warre, and have
'thereby bought this Honour, This is increased by the land-
'ing of a Dutch-man who is to bee Gentleman of the Kings
'Horses: And shortly with us the Hollander will bee no lesse
'odious then the Spanyard. Oh the wonderfull changes of
'the untoward, unconstant, and giddy multitude! How
'unhappy a time it is to know what Liberty meanes? and to
'get the Rheins cast upon their own necks; it ranges madly
'up and downe *nec modum tenens nec terminum*, nor is capa-
'ble of subsistence till it hath lost it selfe, and what it so much
'affects, Liberty; So knives are put into the hands of children,
'who discern no danger, but affect them for their splendor
'and glittering; so Poyson into the mouths of fooles; which
'is Judged only by the taste and sweetnesse. But it seemes the
'Judgment of this Kingdome cannot bee prevented, and be-
'cause they have sinned against themselves, by abusing their
'plenty and fatnesse, It is the just judgement of God; that they
'bee the executioners of his Judgements upon themselves.

'Before I tell you of Monday and Tuedayes madnesse, I
'must tell you when and whence this fury hath its first motion.

'Upon the Thursday before, a great many Apprentices be-
'set the Spanish Ambassadors house neere Bishops-gate, threat-
'ning to pull it downe, and kill the man; the Mayor of London
'comes amongst them, and with a great deale of paynes, per-
'swaded them to retire home, and afterwards entred into the
'Ambassadors House, at his comming in, the Ambassador de-

' fired him to pull downe his sword which was carryed before
 ' him, because hee was now where the King of Spaine had
 ' Jurisdiction; That being done hee told the Lord Mayor that
 ' in all his life time hee had never seene such a barbarons attempt,
 ' and desired to know whether England were a civill Nation or
 ' no; where the Law of Nations were so monstrously violated,
 ' The Mayor replied that they were of the base and rascally sort
 ' of people, and intreated the tumult might not bee imputed
 ' to the town, the Ambassador answered that hee could hardly
 ' acknowledge that to bee a town, yea scarce a society of men
 ' where there was so little Civility and Governemr. The
 ' Mayor told him that the people were discontent because Masse
 ' was laid in his house, The Ambassador replied, that the
 ' English Ambassador; had the free exercise of his Religion at
 ' Madrid, and that hee would rather forgoe his life then any
 ' of those Priviledges due to him by Paction, and the Law of
 ' Nations. The Mayor answered, they were the more incen-
 ' sed against him, because the Londoners popishly affected,
 ' were permitted to come into his house to Masse, which was
 ' beyond both law and custome, The Ambassador replied that
 ' if the Mayor would keep them without doores hee would pro-
 ' mise to send for none of them; but if they came once with-
 ' in his doores, hee could not in Preservation of his Con-
 ' science, or his Masters honour deny them either access to his
 ' Religion, or safeguard to their persons, as far as in him lay: up-
 ' on this a guard was appointed to attend the Ambassadors house,
 ' whether to keepe out papists, or to preserve them that were
 ' within, or to let in others is yet to be disputed.

' The storme was quiet from thence till Munday, when the
 ' people being inflamed agayne, by the Kings speech, came to
 ' Westminster with the number of five or six Thousand having
 ' weapons and batteones in their hands, at the entering of e-
 ' very Coach some cryed Justice, others execution, a third man
 ' told his fellows that both were to be conjoynd, and that Ju-
 ' stice & execution was the noble word; vpon which (*quasi da-*
 ' *to signo*) all the rabble cryed aloud with one voice Justice and
 ' Execution, with a wonderfull strange noise, some went to the
 ' Coach side and told the Lords that they must & would have ju-
 ' stice done vpon the Deputy, in particular above 1000 of them
 be set

' beset the Lord Stewards Coach; and demanded Justice and execution of him, Justice, said they, wee have gotten allready
 ' and wee only desire (and must have it) Execution. The
 ' Lord *Steward* replied they should have Justice and Execution,
 ' and desired them only to forbear and have patience a while;
 ' no sayd they wee have too much patience, wee will not
 ' suffer longer, and therefore my Lord before you goe from us
 ' you must grant us execution, the Lord *Steward* told them hee
 ' was going to the House to that effect, and that they should
 ' have all content, But whilest they were about to deteine him
 ' longer, some of the greatest power amongst them sayd, wee
 ' will take his word for once and with difficulty enough made
 ' passage for him.

' The Lords Stayed within till twelve of the clock, nor was
 ' there any course taken in the meane time for dissolving
 ' of the multitude, the greatest part went home the back way
 ' by water, onely when the Lord Holland, Lord Chamber-
 ' laine, and Bristowe, came out to their Coach, all of them
 ' called Justice and Execution, but when they perceived that
 ' Bristowe was in the Coach they drew neere to the Coach side
 ' and told him, for you my Lord Bristowe wee know you are
 ' an Apostate from the cause of Christ, and our mortall Enemy,
 ' wee doe not therefore crave justice from you, but shall
 ' (God willing) crave justice upon you and your false sonne the
 ' Lord *Digby*.

' Let a man cast his eyes back now, but for some few moneths
 ' past, and hee shall see what trust may bee reposed in the fa-
 ' vour of the giddy multitude, unlesse a man shall resolve to
 ' quitt all Religion and Honesty, and to mould and fashion
 ' his Conscience to the present distemper and fancy of the peo-
 ' ple, neither can hee doe so safely, when so much hazard lyes
 ' in the Inconstancy of their Conceptions.

' After this they drew up all the names of those either in the
 ' House of Commons, or the House of Lords. Whome they
 ' Imagined to favour the Lievetenant : and gave them the
 ' Title of *Straffordians* with this close. that all those, and all
 ' other enemies to the Common-wealth should perish with
 ' him, and did post up the paper at the gate of Westminster,
 ' as if the old Democratic of Rome, and the Tribunitiall power
 thereof

'thereof in Cippo proſcribere , were now renewed and re-
'vived.

A Copy of the Papers , po-
ſted up at the Corner of the wall
of *Sr. Wil. Brunkards* houſe , in the
old Palace-yard, in Weſtmiſter,
Monday 3 May 1641.

The names
of the
Straffordi-
ans poſted.

- | | |
|--------------------------------------|-------------------------------------|
| 1. <i>Lo. Digby.</i> | 29. <i>Mr. Floyd.</i> |
| 2. <i>Lo. Compton.</i> | 30. <i>Mr. Herbert.</i> |
| 3. <i>Lo. Buckburſt.</i> | 31. <i>Cap. Digby.</i> |
| 4. <i>Sr. Rob. Hatton.</i> | 32. <i>Serjant Hide.</i> |
| 5. <i>Sr. Tho. Fanshaw.</i> | 33. <i>Mr. Taylor.</i> |
| 6. <i>Sr. Edw. Alford.</i> | 34. <i>Mr. Griffith.</i> |
| 7. <i>Sr. Nich. Slanning.</i> | 35. <i>Mr. Scowen.</i> |
| 8. <i>Sr. Tho. Danby.</i> | 36. <i>Mr. Bridgeman.</i> |
| 9. <i>Sr. Geo. Wentworth</i> | 37. <i>Mr. Fettiſlaſs.</i> |
| 10. <i>Sr. Peter Wentworth,</i> | 38. <i>Dr. Turner.</i> |
| 11. <i>Sr. Frederick Cornwallis.</i> | 39. <i>Cap. Cha. Price.</i> |
| 12. <i>Sr. Wil. Carnaby.</i> | 40. <i>Dr. Parry Civilian.</i> |
| 13. <i>Sr. Richard Winn.</i> | 41. <i>Mr. Arundell.</i> |
| 14. <i>Sr. Garvis Clifton.</i> | 42. <i>Mr. Newport.</i> |
| 15. <i>Sr. William Wiſtrington.</i> | 43. <i>Mr. Helborne.</i> |
| 16. <i>Sr. William Pennymen.</i> | 44. <i>Mr. Noell.</i> |
| 17. <i>Sr. Patrick Curwent.</i> | 45. <i>Mr. Kirton.</i> |
| 18. <i>Sr. Rich. Lee.</i> | 46. <i>Mr. Pollard.</i> |
| 19. <i>Sr. Hen. Slingsby.</i> | 47. <i>Mr. Price.</i> |
| 20. <i>Sr. Will. Portman.</i> | 48. <i>Mr. Trauannion.</i> |
| 21. <i>Mr. Garvis Hollis.</i> | 49. <i>Mr. Jane.</i> |
| 22. <i>Mr. Sygne Godolphin.</i> | 50. <i>Mr. Edgecombe.</i> |
| 23. <i>Mr. Cooke.</i> | 51. <i>Mr. Chitchley.</i> |
| 24. <i>Mr. Coventry.</i> | 52. <i>Mr. Mallory.</i> |
| 25. <i>Mr. Ben. Weſton.</i> | 53. <i>Mr. Porter.</i> |
| 26. <i>Mr. Wil. Weſton.</i> | 54. <i>Mr. White. Secret. E. D.</i> |
| 27. <i>Mr. Solden.</i> | 55. <i>Mr. Warwick.</i> |
| 28. <i>Mr. Alford.</i> | |

This and more shall bee done to the
Enemies of Justice, afore-written.

Nor stayed they heere, one of them in the height of his
 fury cryed out (*Horresco referens*) if wee get not satisfaction
 of the Lievetenant, wee will have it of the King; or as some
 say worse; If wee have not the Livetenants life, wee will
 have the Kings. Oh impious Mouth ! Oh un-naturall Miscr-
 ant ! This man was marked by a Gentleman of the Innes of
 Court, and foure or five, requested by him, to beare witnesse
 of the words. Nor did hee stay heere, but the Gentleman
 (with fidelity and courage enough) went to the fellow and
 kindly invited him to a pint of wine, the fellow suspecting no-
 thing went along with him, but in the meane time hee sent
 for a Constable, in whose hearing hee asked him how hee durst
 speake such words as those; hee like a mad man replied that
 hee would mainteine them, whereupon hee was apprehen-
 ded by the Constable, and Committed to the Gate-House,
 where hee was three or foure times examined yesternight; some
 report that hee freely confessed his words, and withall threat-
 ned to shew great Authority for them, even within the Gates
 of the Court : this day I heare little of him, but some say,
 the businesse will bee slubbered over with this. That hee said
 only, If wee get not satisfaction of the Livetenant, wee will
 go to the King, and it is likely this will bee the Issue of the
 businesse, least this zeale should bee quenched in the breeding
 and beginning, whose very surcharge and excesse is lawdable,
 yea necessary, in a time of Reformation. Add to this, that
 if this man should suffer it might settle and calme the forward-
 nesse of the people, before the whole businesse bee ended about
 the Earle of *Strafford*.

They have further threatned that after Wednesday they will
 shut up their shopps, and never rest from petitioning, till
 not only the Livetenants matter, but also all things else that
 concerne a Reformation, bee fully perfected.

The house of Commons sat all that day, (Munday) till
 8 at night, nor were they Idle all that time, but brought
 forth that Protestation, or band of Association (as they
 terme

' terme it) which is now in print , it was then drawn up , and
' without further proceſſe or delay before they came out ſub-
' ſcribed by the whole Houſe , except the Lord Digby , and an
' Uncle or Friend of his.

' It is thought by ſome (whoſe heads are not green) that it
' is very like a Covenant in Scotland , but that muſt bee left to
' further time and wiſer heads, if that Cōment that perhaps will
' follow , bee not worſe then the text, it may in probability
' happen out to bee canonicall enough , but the too generall
' Phraſe in it , lyes very open to have ſences (*pro re natâ*)
' thruſt upon them , which may , bee very juſtly ſuſpected to
' have beene intended ; where the oath and Law-giver , is the
' party , only ſome have obſerved two remarkable things upon
' this.

' Firſt , Some thinke it Strange that Seeing the Houſe of
' Commons have lately fined the Convocation Houſe , upon
' this ground eſpecially that they enjoyned an oath , which is
' a Legiſlative power (ſay they) and only due to Parliaments,
' How they at this time , (as if all the Legiſlative power were
' in them) without the adviſe of the Lords (I ſay not of the
' Church , though in matters Eccleſiaſticall) or approbation
' of the King (which is conceived to bee a mighty encroach-
' ment upon his Prærogative) ſhould offer either to præſcribe,
' or ſubſcribe ſuch an oath as if it were eſſentiall to our Refor-
' mation, ever to bee done by the people , without Autho-
' rity of the Superiour powers , and yet before it paſſe in a Stat.
' It muſt come in by a Bill *uſteron proteron* , but perhaps it is
' hoped that by this Anti-dated ſubſcription , they ſhall finde
' out the more eaſy paſſage for the Bill when it comes to bee
' Propounded.

' Secondly , That the Houſe of Commons were foure houres
' pleading , upon that one expreſſion in the Proteſtation , [*The
' true reformed Religion expreſſed in the Doctrine of the Church
' of England*] Some who were more tender toward the Church,
' deſiring that the word diſcipline , might bee adjoyned to the
' word Doctrine , but others mainly oppoſed that , reaſoning
' that no diſcipline could bee admitted but all to bee eſteemed
' as Popiſh that was not contained in the Doctrine , that is in
' the word of God , which party at the laſt did prevaile though
the

the other affirmed that there was more expresse warrant in the word of God for Bishops, then for ruling Elders, but if some Hint bee not there intended against the Deanes and Chapters the liturgies, & ceremonies, yea the very Bishops of the Church of England, let any man judge, and of what dangerous consequence that may bee, if those who pretend to have authority in all Church affaires, may bee permitted to give Sentence is not difficult to determine.

This day the people mett againe but in smaller number, they have threatned to come to morrow with all rheir maine forces, and not to desist till the Lievetenant bee executed, and their other petitions obtained, the oath was likewise presented to the Lords, and some say all of them (except the eight Recusant Lords, and foure of the Bishops) have signed the same, but others say they have only admitted the Bill which is more likely. I think it is *Lucan* tells us the tale, That when the 100 handed Gyant *Briarem* (whom the Mithologizers of Poems use as a Type of the multitude) was first brought into the world, his Father *Jupiter* desired *Mercury*, to set his Scheme, and calculate the Starres of his Nativity; no Father said *Mercury*; that is needlesse, a little time will shew his disposition, for so many hands cannot bee long Idle; A very lively Idœa of this businesse now in Agitation, your selfe may make the application by the events.

Upon Saturday, May the eighth, the Bill against the Lord *Strafford* past the Lords, there were fourtie five present, of which nyneteene voiced for him, and twenty six against him, the greatest part of his friends absented themselves upon pretence, (whether true or suppositious) that they feared the multitude, otherwise his suffrages had more then counterpoised the voters for his death. Saturday
May 8.

In the Bill hee is condemned of Treason, and all his English Linds (the other part of the Coat is left for those in Ireland) forfeited, with an especiall Proviso, that this Act shall in no waies bee forceable against others, then if it never had been made; which to his friends of Judgment smells Strongly for a particular hatred against him, as if the same common way of Justice should not equally strike against all (which it should doe in true Justice) but that Crimes did differ in their Subjects.

Two wayes there were to have Proceeded against him, by a Legislative, or by a Judiciary power, both did strike home alike at his life and his estate, both alike ready, both sure by reason of the proofs, the Difference only this; this might have beene done without the King, that only by him, because this a Sentence, that a Statute; A man would thinke the Judiciary way had beene the more sure, and that the King would rather have connived, and not exercised his Prærogative by a Reprivall, then to have Interestted himselfe in the Legislative proceedings, by consenting to the Act against him; In whom the world conceived (for by past and future services) he had so great an Interest: But they (it seems) notwithstanding his Majesties Attestation, of the Gentlemens Innocency in point of Treason, were more confident of his gracious Inclination to Justifie their own Act; And more desirous too that hee should demonstrate his willingness in punishing such transgressors, and therefore the Bill went only by the Staute.

The same day another Bill passed both the Houses, that because the important businesses of the Kingdome, the Parliament should not be broken up by the King without the speciall advise and consent of both the Houses, till all their grievances were redressed and their safety provided for, which space of time for any thing I know, may last till doomes day; some would have had the prefinition of 5, some 7, some 9, yeares put to it; others Replyed that this would be both odious & dangerous; odious in that it should seem so long a Parliament; Dangerous, in the same time may happen out possible to be longer; some think it an honor (I rather a fatality, or to sweten the word a Providence) that both Bills should passe at once, as if [*Generatio unius, were Corruptio Alterius.*] And this new Governwent should take life from the death of the Earle of Strafford.

In the afternoone the House of Commons desired access to the King in the Banqueting House, and having stayed there an houre for his coming, in three words they propounded these two great Bills, desiring that hee would give his Royall Assent to them both, (*Quod si non prosint singula juncta juvant*) Withall humbly shewing that the present danger of the
Kingdome

Kindome could admit of delayes, The King told them they should expect an answer on Munday morning.

The Court at this time was surcharged with a confluence of People, *quasi Civitas tota sedibus suis mota*, as if the whole Citty was come to petition for Justice, a Government indeed worse then a Democrasie, where the people does not rule but play the Tyrants; If there were no Monarchy there needs no conscience to obey it; But where it is, and cannot protect it selfe, the good subject must either forget himselfe, or his loyalty; A two edged sword killing either the body or the soule, nor in this are men in better ease then the winged Fishes, that our Southerne Mariners tell us of, which, if they swim beneath the water, are catch'd by the Dolphin, if they fly above for refuge, are snatched away by the hungry Ravenous fowles; (Lord helpe then the times, or help our patience, and Resolutions, give us either redresse in thee, or confidence in thee.)

The wiser sort conceived these two Bills too big for them to desire at once, and that both of them together might Procure a flat deniall; but the more couragious knew the readier way by farre, having often had experience of his Majesties readinesse to grant just desires; resolving that hee that expects to loose the day, is beaten at his own diffidence, and it is the qualitie of some men to swallow Camells upon a snadder, who (if you give them leisure, will perchance streine at a Goatt. Their Resolutions may ayme at this; but despaire to remedy that; nature gives the reason, *Omne agens se exercet, intra sphaeram Activitatis*, dangers if they come but stragling upon us wee may collect our spirits well enough, and easily resist them but if they come by whole troopes Amzeement and feare admits of no consultation for the future, but only intends to decline the present and pressing hazard, whereon the ancient Gaules made their first on-fetts, with valour beyond the courage of men; and with fearfull cryings and shouts belying their own Animosity, to stupify and quell that of the enemy.

Sunday.

Sunday, All the day the King was resolute never to give way to the Bill against the Lord *Strafford* telling them withall that it seemd strange to him; that the man could not dy, unlesse

hee, and hee only by giving Sentence the Kings Legislative way should condemne him, the Lord *Pembrok* brought the King a piece of Scripture, 2. *Sam.* 19. from the 5. to the 9. verse, the words indeede became a *Joab* rather then himselfe till hee had scattered the force of the Kings (not eldest sonne yet eldest) daughter, the Kingdome of Scotland; heere is some Analogy with *Absolon* and in nothing else, for *David* was sorry for shedding the nocent, they not sorry for shedding the Innocent blood, though the Issue bee not the same.

Foure Bishops.

Foure Bishops were sent for by the King, the Primate of Ireland, the Bishop of Durham, Lincolne and Carlile, some say (and I doe rather believe it) that the King was desirous the Bill should bee voiced againe, and argued, the Bishops had their suffrages in the Admission though not in the approbation of the Bill, others thinke in regard the Primate was there, (who had no Interest in this Kingdome) it was to resolve the Kings Conscience; for my part I see not how they should doe this, seeing the businesse was grounded upon a case in Law, which none of them (unlesse the Bishop of Lincolne had learned when hee was Lord Keeper) could possibly discusse; for if the King was tender in it, how could they perswade him to give way, if not, what needed their Resolutions?

But it may bee that they perswaded him, that in Conscience hee might preferre the opinion of the Judges before his own. And that if (though with some reluctance) they thought upon their oathes, the Proceedings to bee lawfull, hee might give way to them, This is not unlikely because the Judges were sent for the same time, and it seems for the same service, And if it bee so; I admire, (and adore too) the wonderfull providence of God, who in his preparatory Act, to his unlawfull Judgement (which undoubtedly will follow) suffers not only the King and the Countrey, but the Church too, (as if her Cup were not yet full) to be involved.

But could this bee to the matter of fact, the King I am sure knew him to bee free from any the least intention of subverting the fundamentall Lawes of the Kingdome, And could the Bishops satisfie this scruple too, it may bee they are perswaded, that the Proofs might bee taken Implicitly from the House of
Commons,

Commons, as the Law from the Judges; It is reported indeed that they besought the King with many teares to give way, and that to prevent the ruine of the Kingdome, which these Statemen (who will bee ever content with the longest life for themselves, till by peece meale they bee thrust from all) did see would necessarily follow: well, I dare prophesie to them they shall not want their Reward, neither from King nor people, for the next tumult of people shall bee against their Liturgies, Surplices, and Church ornaments. And seeing they have now over-perswaded the King in this, if they can procure him then to protect themselves, from those imminent dangers which hang over their heads, they shall doe a miracle. *sed quos perdere vult Juppiter, dementat.* some body else will perswade the King that to satisfie the Common People, and to prevent the Ruine of the Kingdome, Bishopricks, Deanes, Prebends, and all Cathedrals must down, *Sed omnia avertat Deus optimus.*

Sunday, All day nothing sounded in the King eares, but feares, terrors, and threatnings of worse and worse, the noise of Drums, and Trumpets were Imagined to bee heard of rebelling people from every Corner of the Kingdome, yea Apprentices, Coblers, and fruiterers, presented themselves as all ready running into the Kings Bed-chamber.

After they had wrestled him breathlesse, and (as they doe with great fishes) given him scope of Lyne, wherein to spend his strength, at last *victus dedit manus*, being overcome with such uncessant Importunities hee yeelded up the Bucklers, And about nine of the clock at night (oh deplorable necessity of the times or rather oh the frailtie of humane nature I that can neither foresee nor susteine this necessity) the King promised to signe both the Bills the next morning, which was accordingly done, and a Commission drawn up for his (I do not care in what relation you take the word) Execution. *Ingentes Cura stupent, loquuntur leves.*

Though I had resolved with the Painter (who could not expresse his grieve sufficiently in weeping for his daughter) heere to have drawn the Curteine, yet it will not bee, something must overflow.

Consider the Gentleman as a man, his Judgement, Memory, Eloquence, reall perfections in this age of appearances, consider

him as a Subject, his Loyalty, his Courage, his Integrity to King and Countrey, in these disloyall and faint-hearted times; consider him as a Christian, his love to the Church, his respect to Church-men, in this prophane and over-weening Generation; fers for all, and yet by all, yea as an enemy to all these; talke not let Worth, Honesty, and Religion weepe his funerals, who suffer to me hereafter of Justice, Equity or Conscience, they are but names, and those scornfull and empty names too; it is Power, Faction and Interest that are the managers of humane affaires, and swaies the times; I desire all History to furnish us with the like Paralel, of a man accused by his Country, by reason of his noble and eager desires to maintain them in plenty and reputation; convicted by the Church for his actuall performance & serious intention to restore both the dignities & Revenues thereof; his Prince even forc't to condemn him, after his Integrity to perswade due obedience, and to protect royall Authority; Happy, yea thrice happy, hee whose Innocence was wedded to his Perfection, and both of them (for so it shall ever bee in my Kalender) crowned with Martyrdome: Forgive I intreate you these broken Expressions of a passionate Sonle, my obliegements to the Gentleman were little, my expectation from him nothing, only an ingenious, though perhaps, a simple thought of the present Crimes, and future punishment of this Kingdome (unlesse God be more mercifull) whether from the privation of his Life, or merit of his Death hath extorted thus much from me; Remember the story of Innocent *Socrates*.

You desire me to be present and see the Catastrophæ of the businesse; I should pluck out mine eyes if I thought they had so much cruelty to behold such a spectacle; you may thinke it courage, But I inhumanity: My owne finnes doe too much interest me in his sufferings, though I be not accessory by my sight. The zealous Pilgrims of the Turkish Religion, after they had seen the blessed spectacle of *Mahomets-Tombe*, at Mecca, doe presently make themselves blinde by continuall poaring upon hot burning Bricks, so destroying the optick-nerves, as thinking themselves unworthy ever afterwards to looke upon any worldly object; I leave your selfe Sir to make the application, I dare Ingeniously say it, that all my sufferings to this time (and I have not beene without a round share of them) did never touch me so neerely, as the

the suffering of Justice, Religion and Loyalty, by this one Fact : Not for any evill consequence to me (God knowes) I am beneath the reach of Fortune, and can easily change my Clymate, but for that Clowde which hangeth over the Publique, and will not, I feare be dissolved till the measures of Deservings bee made up Brim full.

What turbulency, what confusion is within me, you may easily guesse by these symtomes that are withour, those raw and indigested expressions, it is daily labour to obtaine the Mastery of my selfe and my affections, but upon such extraordinary times and occasions, they grow too strong for me, I must give way and retyre before I get new strength againe : Hence it is, that though at the Lord Straffords last departure, out of this World, I might have bene assured of his Mantle, that is, the doubling of his Perfections upon me, and of a capacity to admit of the least of them, yet I could not have attended his Execution; my heart was too weake, and my eyes too blind to behold such a woefull spectacle, but be you assured he will not dye like one of the vulger, nor like one of those wanton Coursers who can rush fiercely into the battell, yet withall start at his own shadow : He hath done and can doe greater things then die, and that too without any in-decorum. As he hath lived for the reall Demonstration of his service and fidelity, so he can die for the pretended safety of his Sovereigne, and that in a strange way too, as if the head could not be safe, but by cutting off the right hand.

Sir, your desires have obliged me to untie my wounds, yet scarce bound up, and by reflection upon that sad object, to fall a bleeding againe; nor can I grant your suite to make that great Lord speake in his owne dialect. *Pythagoras* transmutation could not have found out a fit lodging for that noble Soule, nor doth nature give us wonders every day, nor streyne her selfe ambitiously to shew forth the utmost reach of her perfections or master peece, and to present us with such a rare conjunction of such a courage attended with loyalty to danger : wisdom accompanied with eloquence to admiration : What could not that man thinke? What think and not speake? What speake and not doe? But I will not be too Rhetoricall; that Speech or rather blemish Printed and pretended to be spoken by him in the Tower, is as like him as he was to a Pedant, his Soule now laughs
(if

(if that naturall sence could reach so high) at that poore injury, it doth exceedingly well become the charity of the times, not only to perturb his rest, but also by belying his Expressions, to make his owne hands the scatterers of his owne dust, and his own Tongue, the Trumpet of his owne infamy : That Speech is a foist and a ly, His other Speech on the Scaffold, and with it, his Letter to the King, you shall finde at the end of this Letter, in the best way we could get it, something of his greatnesse appears in his phrase, and as much life too as could, by snatches, be gathered from his mouth, yet it comes farre short of that grace which it had when it was delivered by himselfe, what by the escapes of the Observers, what by the Faint-heartednesse of the Presse, which durst not speake freely, for feare of Arbitrary Treason.

Two observable Expressions I had from an understanding Auditor,

First, Sir *George Wentworth*, weeping extremely upon the Scaffold, was thus checked by him : Brother, what doe you see in me that deserves these teares ? doth my feare betray my guiltinesse ? or my too much boldnesse any Atheisme ? Thinke now (and this is the third time) that you doe accompany me to my Marriage Bed : Nor did I ever throwe off my cloathes with such freedom and content, as in this my preparation to my Grave, That Stock [pointing to the block appointed for his Execution] must be my pillow; here must I rest, and rest from all my labors; no thoughts of envie, no dreames of Treason, Jealousies of foes, cares for the King, the State or my selfe shall interrupt this nap; therefore Brother, with me, pittie mine enemies, who beside their intention have made me blessed; rejoyce in my Innocency, rejoyce in my Happinesse.

Secondly, Kneeling downe upon the Scaffold hee made this Protestation, I hope Gentlemen you doe think that neither feare of losse, nor love to Reputation will cause me to bely God and my owne Conscience, for now I am in the dore going out, and my next step must be from time to eternity, eyther of Peace or Payne; to cleere my selfe to you all, I doe solemnly protest before God, I am not guilty (so farre as I can understand) of that great Crime laid to my Charge, nor have ever had the least inclination

nation or intention to damnisfy or præjudice the King, the State the Lawes or Religion of this Kingdome, but with my best endeavors to serve all, and to support all [*So might God be mercifull to his Soule.*] His words did iustifie him more there then in Westminster Hall, and made such a deepe impression in the hearers, that a great many of those who cryed out for Justice against him (after their fury was spent, and their madnesse strewed with cold blood) wished their tongues had beene cut out of their heads before they had opened their mouthes against him; others most ignobly imputed this to his effronted boldnesse, and are so perswaded of their own infallibility, that they mervailed he beleeved not his Actions to be Errors upon their Word, and did not confesse their opinions of him to be truth it selfe; A kinde of People they are beyond the cure of Bedlam, and nothing but the whipping post, or letting blood can doe them good, or bring them remedy, *Pœnitio tantum dabit intellectum*, 'tis nothing but sence will teach them judgement, and affliction Charity, and both these I feare are hastning on apace.

His Countenance was in a middle posture, betwixt dejection and boldnesse, a man may call it, even courage and Innocence it selfe, without any feare of Critticks, nor could his very Enemies through their multiplying glasses, perceive the least affectation of disguise in him; never man looked death, more stately, in the face; never man trembled more at his sinnes, such were his contritions for his oversights, and such his immovable confidence of Gods Pardon and his Mercy.

His Prayers ravished all the standers by, that they could not judge whether to preferre his zeale or his pœnitency; yea, the Primate of Ireland (who is no complementer) reported afterwards to the King, that he had then first learned to make supplications aright to Godward, and withall told his Majesty that he had seene many die, but never such a white Soule (this was his owne expression) returne to its maker; At which words the King was pleased to turne himselfe about and offer a teare to his Memory, -- *Tantum mercede laborum*, --

And because mis-report, about him and my Lords Grace of Canterbury, hath wandred as farre as Cambridge, give me leave to adde the story of that mistake. It was reported here by the divulgẽs of such slanders, that a little before his death, he had char-

ged all his misfortunes, oversights and misdemeanors upon the Arch-Bishop of Canterbury, as the prime Author, and had bitterly curst the day of their acquaintance; A pretty invention it was, to chage the Axe againe, and to furnish the People with lungs and voices to cry for another Sacrifice; yea, to staine this Martirs long white Robe, with the Innocent blood of another *Heroes*. *Oh yee sonns of men! How long will yee love vanity and seeke after leasing?*

For this cause I was the more Inquisitive to learne out the truth of this particular, and had it thus related to me by a worthy divine Doctor *Wimberly*, who dyning with my Lord of Canterbury the day after the Earle of *Straffords* Execution, had it from his own mouth. And my Lords grace it seemes having heard of the mistake; did at every period take the Lievetenant of the Tower, then present, his Attestation and Approbation.

That the Lord *Strafford* the night before the Execution had sent for the Lievetenant of the Tower and asked him whether it were possible hee might speake with the Arch-Bishop; the Lievetenant told him hee might not doe it without order from the Parliament. Master Lievetenant said hee, you shall heere what passeth betwixt us; it is not a time now either for him to plot Hærisy, or me to plot Treason, The Lievetenant answered that hee was limited, and therefore desired his Lordship would Petition the Parliament for that favour, no (said hee) I have gotten my dispatch from them, and will trouble them no more; I am now Petitioning an higher Court, where neither partiality can be expected, nor error feared, But my Lord (said hee) turning to the Primate of Ireland, then present, what I should have spoken to my Lords grace of Canterbury, you shall. Desire the Arch-Bishop to lend me his prayers this night, and to give me his blessing when I doe goe abroad to morrow, and to bee in his window that by my last farewell I may give him thanks for this, and all other his former favours.

The Primate having delivered the message without delay, the Arch-Bishop replied, that in conscience hee was bound to the first, and in duty and obligation to the second, but he feared his weakenesse and passion would not lend him eyes to behold his last departure.

The next morning at his coming forth hee drew neere to the Arch-Bishops lodgings? and sayd to the Lievetenant, though I doe not see the Arch-Bishop, yet give mee leave I pray you to doe my last observance towards his roomes; in the meane time the Arch-Bishop, advertized of his approach, came out to the window; then the Earle bowing himselfe to the ground, my Lord said hee, your prayers and your blessing, the Arch-Bishop lift up his hands and bestowed both, but overcome with griefe fell to the ground in *Animi Deliquio*. The Earle proceeding a little farther, bowed the second time saying, Farewell my Lord; God protect your Innocency.

To this relation the Lord of Canterbury added, that it might perhaps seeme an effeminacy and softenesse unbecoming him, to bee cast downe, but hee hoped by Gods Assistance and his own Innocency, that when hee came to his own Execution (which hee daily longed for) that the world should perceive hee had beene more sensible of the Lord *Straffords* losse, then of his own; and good reason it should bee so (said hee) for the Gentleman was more serviceable to the Church (Hee would not mention the State) then either himselfe or any of all the Church-men had ever beene.

And that there may bee a slaughter-Goate for the sinnes of the People in Scotland, to wait upon this report, they have fained another of the same meale, that the Arch-Bishop of Canterbury cast back all his misdemeanors upon the Bishop of Ross, as if either the Lord *Strafford* had beene tutored by the Arch-Bishop, or hee by the Bishop of Ross, in the King and Countreyes service; I did think that both of them had past their pupillage and could not have beene bended to execute the directions of any man living, but only their own Masters, but this is a faire advertisement to the Bishop of Ross, to make himselfe the scape-Goat. *Hec fuge nate Deo.*

Give me leave to adjoyne one thing more, when hee was marching to the Scaffold more like the generall in the head of an Army, to breath victory, then like a condemned man to undergoe the Sentence of Death, the Lievetenant of the Tower desired him to take Coach, for feare the People should rush in upon him and teare him in pieces, No (said hee) Master Lievetenant I dare looke death in the face, and I hope the

People too, have you a care that I doe not escape, and I care not how I die, whether by the hand of the Executioner, or the madnesse and fury of the People. If that may give them better content, it is all one to me.

It is but diminutive to call it a wonder, it is something above, that his thoughts and expressions should be so present with him, no more putrification in them, then if he had beene about some ordinary businesse : His Alacrity, his Devotion did amaze ; yea, teare in peeces the hearts of all those about him, who had the least Grace or Humanity in them.

Too much Perfection indeed to be lost at one blow, but this Age was not worthy of it, nor shall any after Age, I thinke, ever enjoy the like, that only which is possible is the object of the will, and therefore I will not endeavor to find out words for expressing this wonder of the times; only I leave his virtues to speake the rest, to the *Admiration of Ours, and Compassion of succeeding Ages.*

A Letter to a Friend.

Beleive me Sir. This blessed departure of his hath put me in love with Scaffolds more then death bedds, Let it bee my Paradox (if not Propheticall to me) that it is the best kind of Dissolution, provided there bee Innocence to uphold the Conscience, And (with good men at least) to mainteine the Reputation afterwards : Heere you are attended with the Pregnancy of Judgment and Memory, not weakned nor clouded, with tedious and giddy sicknesses : Heere you have a time prefixed and must of necessity concentrate your selfe and your best resolution ; elsewhere nature is unwilling to find a Suspension, abhorring its own Destruction, (*Imo quam multos in medio scelere mors occupavit & medium secuit crimen*) Here a moment ends the Payne, which parhaps not 7 Apprentiships elswhere ; and here, if any where, we find pitty, yea deservings both with God, and good men ; but he that sent vs hither must prescribe us the way of our returne.

Upon that very day of the Execution in the afternoone (*Abyssus abyssum invocat, Blood calls for blood*) there happened a conflict betwixt the Scotts and English Army, no certaine

certaine number yet reported, nor what occasion, (some say six score, some three score Scotts, some twenty, some thirty English) only the matter it selfe was represented by the Generall, (the Lord Holland) upon a letter from Sir John Conniers to the Parliament upon Friday with a mighty regret, that hee had beene appointed for peace, but that unhappy rub had fallen out much contrary to his desire.

The King sent a letter the day before the Execution, by the Prince to the uper-house desiring the Rigour of that Sentence might bee remitted, but it was sent back unbroken up, for feare either to refuse the King or discontent the people, God forbid his Majestie should give so slender an care to their Petitions.

The Lord *Straffords* Children are restored to all his estate, and if they petition for it shall bee to his Honoures too, the House of Commons have beene as forward in this as any else, whether to make some recompence to them, or to give prooffe to the Nobilitye (least they should bee scared by the example) that not so much the meanes as the man was aymed at. But it will be a question whether they can restore that head too, when the Kingdome shall neede its service. It is to bee feared that his great Abilites will shortly bee more understood by our want of them then our fruition, so darke is mans understanding in Preserving that which is virtuous and usefull amongst us.

Virtutem Incolumem odimus.

The Earle of Straffords Letter to his Majesty.

IT hath beene my greatest griefe, in all my troubles, to be taken as a person that should endeavor to present and set things amisse betweene your Majesty and your People, and to have given Councell tending to the disquiet of your Majesty and your three Kingdomes.

Most true it is, that such an attempt (my private condition considered) had beene a great madnesse, seeing through your gracious favour, I was so provided as I could not expect in any kinde to mend my Fortune, or to please my minde more then by resting where your bounteous hand had placed me: nay, the businesse is most mightily mistaken, for unto your

Majesty is well knowne, that my poore and humble advices concluded still in this, That your Majesty should never be happy till there were a right-understanding procured betwixt you and them : no other meanes to effect and settle this happinesse, but by the Councell and Assent of the Parliament : and no way to prevent the growing evils of this State, but by putting your self entirely upon the Loyallty and good-Affection of your Subjects:

Yet (such is my misfortune) the Truth finds little credit, the Contrary (it seemes) generally beleevd, and my selfe reputed the Cause of this great separation betwixt you and your People : Under a heavier Censure then this, I am perswaded no Gentleman can suffer, and now I understand that the mindes of men are the more incensed against me, notwithstanding your Majesty hath declared, That in your Princely opinion, I am not guilty of Treason, nor are you satisfied in Conscience to passe the Bill : This brings me into a great Streight. Here is before me the ruine of my Children and Family, hitherto untouched in all the branches of it with any foule Crime. Here are before me the many evils which may befall your sacred Person and the whole Kingdome, should your selfe and the Parliament be lesse satisfied the one with the other than is necessary for the King and People. Here are before me the things most valued, most feared, by mortall men [Life and Death :] To say Sir, there hath not beene a conflict within me, about these things, were to make my selfe lesse man then (God knowes) my infirmities will give me leave, and to call a destruction upon my selfe and my young children, where the intentions (at least) of my heart, have beene innocent of this great Offence (may bee beleevd) would finde no easie consent from flesh and blood.

But, out of much sadnesse, I am come to a Resolution of that which I take to be best becoming me, that is, To looke upon that which is Principally to be considered in it selfe, and that is doubtlesse the prosperity of your sacred Person and the Common-wealth, infinitely to be preferred before any mans private interest : And therefore, in few words, as I have put my selfe wholly upon the Honour and Justice of my Peers, so cleerely as I wish your Majesty had beene pleased to have spared

red that Declaration of yours on Saturday last, and to have left me entirely to their Lordships; So now (to set your Majesties Conscience at Liberty) I doe most humbly beseech You, for the preventing of such mischiefs as may happen by your Refusall, to passe the Bill; by this meanes to remove (praised be God I cannot say this accursed, but I confesse) this unfortunate thing forth of the way, towards that blessed Agreement which God, I trust shall for ever establish betwixt you and your Subjects: Sir, My consent herein shall acquit you more to God, then all the world can doe beside; To a willing man there is no injury done, And as by Gods-grace I forgive all the world with a calmnesse and meekenesse of infinite contentment to my dislodging Soule, so Sir, I can give the Life of this world, with all cheerefullnesse Immaginable, in the just acknowledgement of your exceeding favours, and only beg that, in your goodnesse, you would vouchsafe to cast your gracious Regard upon my poore Sonne and his three sisters, lesse or more and no otherwise, then their unfortunate Father shall appeare more or lesse guilty of this Death. *God preserve your Majesty.*

Tower May 9.
1641.

*Your Majesties most Humble
and Faithfull Subject and
Servant STRAFFORD.*

The Petition of THOMAS Earle of
Strafford, to the right-Honorable the Lords Spi-
rituall and Temporall, in the Parliament
at Westminster, 1641.

Sheweth,

THAT seeing it is the good will and pleasure of God that your Petitioner is now shortly to pay that duty which we all owe to our fraile Nature; Hee shall in all Christian patience and Charity conforme and submit to that Justice, in a comfortable assurance of the great hope laid up for us, in the
Mercy

Mercy and Merits of our Saviour, *Blessed for ever.*

Only he humbly craves to returne your Lordships most humble thanks for your noble Compassion towards those Innocent Children who now with his last blessing he commits to the protection of Almighty God, beseeching your Lordships to finish your pious Intentions towards them, and desiring that the reward thereof, may be given you by him, *who is able to give above all that we are able either to aske or think*, wherein I trust the honorable House of Commons will afford rheir Christian assistance.

And so beseeching your Lordships charitably to forgive all his offenses & infirmities, he doth heartily and truly recommend your Lordships to the Mercies of our heavenly Father, that for his goodnesse he may protect you in every good work Amen

There was a foolish, ridiculous and scandalous Speech printed, which was pretended to have been spoken by the Earle of Strafford, to certaine Lords, before his comming out of the Tower, which is protested against, and avowed to be false by the Lord Primate of Ireland, E of Cleveland, E of Newport, Lo, Rich, Sir William Balfoure, Sir William Wentworth Sir George Wentworth, Dr. Carre, Dr Price, — *De Mortuis nil nisi verum.*

The Paper containig the Heads of the Lord Straffords last Speech, written with his own hand, as it was left upon the Scaffold, falling out of his Bosom.

1. Come to pay the last Debt we owe to sinne. 2. Rise to Righteousnesse. 3. Dye willingly. 4. Forgive all. 5. Submit to Justice; but, in my intentions, Innocent from subverting; &c. 6. Wishing nothing but good Prosperity to King and People. 7. Acquit the King constrained. 8. Beseech to Repent. 9. Strange way to write the beginning of Reformation and settlement of a Kingdome in blood. 10. Beseech that demand may rest there. 11. Call not blood on themselves. 12. Dy in the Faith of the Church. 13. Pray for it, and desire their Prayers with me.

A true-copy of his Speech delivered on the Scaffold.

My L. Primate of Ireland.

IT is my very great comfort that I have your Lordship by me this day, In regard I have beene known to you these many yeares, and I doe thank God and your Lordship for it that you are heere, I should bee very glad to obteine so much

much silence as to bee heard a few words, but I doubt I shall not, the noise is so great. My Lords, I am come hither by the good will and pleasure of Almighty God, to pay that last debt I owe to sinne; which is death, and by the blessing of that God, to rise again through the mirrirs of *Iesus Christ* to righteousness and life eternall. [Heere hee was a little interrupted.]

My Lords, I am come hither to submit to that Judgement which hath passed against me, I do it with a very quiet and contented minde, I thank God, I doe freely forgive all the world, a forgiveness, that is not spoken from the teeth outwards (as they say) but from the very heart; I speake it in the presence of Almighty God, before whome I stand, that there is not a displeasing thought arising in me towards any man living. I thank God I can say it, and truly too, my conscience bearing me witness, that in all my imployment since I had the Honour to serve his Majestie, I never had any thing in the purpose of my heart but what tended to the Joynt and Individuall prosperity of King, and people; although it hath beene my ill fortune to bee misconstrued.

I am not the first that hath suffered in this kinde, it is the common portion of us all, while wee are in this life to err, Righteous Judgment wee must wait for in another place, for heere we are very subject to bee mis-judged one of another; there is one thing that I desire to free my selfe of, and I am very confident (speaking it now with so much cheerfullnesse) that I shall obtaine your Christian charity in the beliefe of it. I was so farre from being against Parliaments, That I did allwayes think the Parliaments of England, were the most happy constitutions that any Kingdome or Nation lived under, and the best means under God to make the King & people happy.

For my Death I heere acquit all the world, and beseech the God of Heaven heartily to forgive them that contrived it, though in the Intentions and purposes of my heart I am not guilty of what I dy for; And my Lord Primate it is a great comfort for me, that his Majesty conceives me not meriting so severe and heavy a punishment as is the utmost execution of this Sentence. I do infinitely rejoyce in this mercy of his, and I beseech God returne it into his own bosome, that hee may find mercy when hee stands most in neede of it.

I with this Kingdome all the Prosperity and happinesse in the world, I did it living, and now dying it is my wish, I doe most humbly recommend this to every one who heares mee, and desire they would lay their hands upon their hearts, and consider seriously whether the beginning of the happinesse and reformation of a Kingdome should bee written in Letters of blood; consider this when you are at your homes, and let me be never so unhappy, as that the least drop of my blood should rise up in Judgement against any one of you, But I feare you are in a wrong way.

My Lords I have but one word more, and with that I shall end. I professe that I dy a true and obedient Sonne to the Church of England, wherein I was borne and in which I was bred. Peace and prosperity bee ever to it.

It hath beene objected (if it were an objection worth the answering) that I have beene inclined to Popery, but I say truly from my heart, that from the time that I was one and twenty yeares of age to this present, going now upon fourty nine, I never had in my heart to doubt of this Religion of the Church of England; Nor ever had any man the boldnesse to suggest any such thing to mee, to the best of my remembrance, and so being reconciled, by the merrits of *Iesus Christ* my *Saviour*, into whose bosome I hope I shall shortly bee gathered, to those eternall happinesse which shall never have end; I desire heartily the forgivenesse, of every man, for any rash or unadvised words, or any thing done amisse, and so my Lords and Gentlemen Farewell; Farewell all the things of this world.

I desire that you would bee silent and joyne with me in prayer, and I trust in God wee shall all meet and live eternally in heaven, there to receive the Accomplishment of all happinesse, where every teare shall bee wiped away from our eyes, and every sad thought from our hearts; and so God bleesse this Kingdome, and *Iesus* have mercy on my Soule.

Then turning himselfe about hee Saluted all the noble men; and tooke a solemne leave of all considerable persons upon the Scaffold, giving them his hand.

After that hee said, Gentlemen, I would say my prayers, and entreate you all to pray with me, and for me; then his Chaplaine layd the booke of Common-prayer upon the
Chayre

Chayre before him, as hee kneeled downe, on which hee prayed almost a quarter of an houre, and then as long or longer without the Booke, and concluded with the Lords prayer.

Standing up hee espies his Brother, *Sir George Wentworth*, and calls him to him; saying, Brother we must part, remember me to my sister, and to my wife, and carry my blessing to my Sonne, and charge him that hee feare God, and continue an obedient Sonne to the Church of England, and warne him that hee beares no private grudge or revenge toward any man concerning me; And bid him beware that he meddle not with Church-livings, for that will prove a moth and a canker to him in his estate, and wish him to content himselfe to bee a Servant to his Country, not ayming at higher Preferments.

Aliter] To his Sonne Master *Wentworth* hee commends himselfe, and gives him charge to serve his God, to submit to his King with all faith and Allegiance in things temporall, to the Church in things Spirituall, chargeth him againe and againe, as hee will answer it to him in heaven, never to meddle with the Patrimony of the Church, for if he did, it would bee a Canker to eat up the rest of his Estate.

Carry my blessing also to my daughter *Anne* and *Arabella*, charge them to serve and feare God, and hee will blesse them; not forgetting my little Infant, who yet neither knowes good nor evill and cannot speake for it selfe, God speake for it, and blesse it: now said hee I have nigh done, one Stroke will make my wife husbandlesse, my deare children fatherlesse, and my poore Servants Masterlesse, and will seperate me from my deare Brother, and all my friends. But let God bee to you and them all in all.

After this going to take off his Doublet and to make himself unready, hee said, I thank God I am not affraid of Death, nor daunted with any discouragement rising from any feares, but doe as chearfully put off my Doublet at this time, as ever I did when I went to bed; then hee put off his Doublet, wound up his haire with his hands, and put on a white Cap.

Then hee called, where is the man that is to doe this last office? (meaning the executioner) call him to me; when hee came and asked him forgiveness, hee told him he forgave him and all the world: then kneeling down by the block; he went to prayer againe himselfe, The primate of Ireland kneeling

on the one side, and the Minister on the other: To the which Minister, after prayer, hee turned himselfe, having done prayer, and spake some few words softly, having his hands lifted up, and closed with the Ministers hands.

Then bowing himselfe to lay his head upon the block, he told the Executioner that hee would first lay down his head to try the fittest of the block, and take it up againe before he would lay it down for good and all: And so he did; and before he layed it down again, he told the Executioner that he would give him warning when to strike by stretching forth his hands; And presently laying down his neck upon the block, and stretching forth his hands, the Executioner strooke off his head at one blow, and taking it up in his hand shewed it to all the people: And sayd. *God save the King.*

His body was afterwards embalmed, and appointed to be carried into York-shire, there to be buried amongst his Ancestors.

He left these three Instructions for his Sonne in Writing.

First, That hee should continue still to be brought up under those Governors to whom hee had committed him; As being the best he could pick out of all those within his knowledge, and that he should not change them, unlesse they were weary of him; that he should rather want himselfe, then they should want any thing they could desire.

Secondly, He charged him as he would answer it at the last day, not to put himselfe upon any publique employments till he was thitty yeares of age at least: And then if his Prince should call him to Publique Service, he should carefully undertake it, to testify his obedience, and withall to be faithfull and sincere to his Master, though he should come to the same end that himselfe did.

Thirdly, That he should never lay any hand upon any thing that belonged to the Church; He foresaw that ruine was like to come upon the Revenues of the Church, and that parhaps they might be shared amongst the Nobility, and Gentry: But if his Sonne medled with any of it, he wished the curse of God might follow him, and all them, to the Destruction of the most Apostolicall Church upon Earth.

FINIS.